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THE

JUDGES OF ENGLAND;

WITH

SKETCHES OF THEIR LIVES,

AND

MISCELLANEOUS NOTICES

CONNECTED WITH

THE COURTS AT WESTMINSTER,

FROM THE TIME OF THE CONQUEST.

*B 1308

BY EDWARD FOSS, F.S.A.

OF THE INNER TEMPLE.

29792 a

VOL. IV.

CONTAINING THE REIGNS OF

RICHARD II., HENRY IV., HENRY V., HENRY VI., EDWARD IV., EDWARD V., AND RICHARD III.

1377—1485.

SSe7

LONDON:

LONGMAN, BROWN, GREEN, AND LONGMANS.

1851.

923.4412
Fos/Jud
29792

ref. 327.9942

LONDON:
SPOTTISWOODES and SHAW,
New-street-Square.

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THE

JUDGES OF ENGLAND.

RICHARD II.

Reigned 22 years, 3 months, and 7 days; from June 22, 1377, to September 29, 1399.

SURVEY OF THE REIGN.

A TRAGIC character is given to the legal history of the reign of Richard II. by the murder of two judges, the execution of a third, and the conviction and banishment of the whole bench (with the exception of one member of it) on charges of high treason. The first two fell victims to the indiscriminate rage of a rebellious mob, led on by Wat Tyler and his associates; and the others suffered, one for introducing, and the rest for submitting to the introduction of, the unconstitutional practice of giving extra-judicial opinions to the sovereign—a practice seldom resorted to but for the purpose of affording an apparent sanction to forced interpretations of doubtful enactments, either oppressive to the people, or stretching the legal prerogatives of the crown. The serious retribution with which the judges were visited on this first occasion, renders it surprising that any others should, in after ages, have been found to incur a similar responsibility: but who can calculate the point to which the subserviency of the weak, the fears of the pusillanimous, or the blindness of the rash, may lead them?

The circumstances were shortly these. The weakness and extravagance of the king had emptied the treasury; and his favours had been conferred on a set of courtiers who obtained his countenance by encouraging his follies. They gradually acquired so great a portion of the royal power that the nobles became disgusted; while the people complained of the taxes imposed upon them to supply funds which they saw were improperly squandered. The discontent rose to such a pitch, that the parliament which met in Oct. 1386, 10 Richard II., not only impeached the chancellor De la Pole, Earl of Suffolk, one of the favourites, but took all the practical business of the state out of the king's hands, by appointing a number of commissioners by whom all acts were to be done, and the whole expenditure of the kingdom was to be regulated. This ordinance was not only passed into a law, but confirmed by the king's letters patent. The fallen courtiers, and especially the convicted chancellor, advised the king in the following year to resume his authority; and with the intent of enabling him, under the semblance of right, to do so, they took measures to obtain the highest judicial opinion that the ordinance was illegal and derogatory to the king; that the promoters of it were traitors, and liable to the punishment of death; and that the sentence against De la Pole was revocable as contrary to law. Sir Robert Tresilian, the chief justice, who was already devoted to their party, having prepared a series of questions, with answers suitable to the above object, laid them before the judges who had been summoned for the purpose in August, 1387, first to Shrewsbury, and then to Nottingham.

For several years before this period, there had been only one puisne judge of the Court of King's Bench; and I am inclined to think that David Hannemere, who certainly held that office at the end of the previous year, was at this time either dead or dying; for his name does not appear among the judges

who were present; and John de Lokton, who was appointed his successor within two months, was the only serjeant-at-law who seems to have been summoned on the occasion. The judges of the Common Pleas were Chief Justice Robert de Bealknap, William de Skipwith, Roger de Fulthorpe, John Holt, and William Burgh; all of whom attended except William de Skipwith, who was either ill at the time, or perhaps, suspecting the object, pretended to be so. The chief baron, Sir John Cary, was the only member of the Court of Exchequer who was present. The other barons were probably not summoned, as we have seen that they were not looked upon as lawyers, nor could they act as judges of assize.

Whether the answers to the questions propounded were voluntarily given by the judges, or were forced from them under threats and fears of violence, as they afterwards alleged in their defence, may, with regard to some of them, admit of question; but all their seals were attached to the document declaring their opinions, which was dated at Nottingham, on August 25. In November the conspiring favourites were appealed of treason by the Duke of Gloucester and four earls; one of the charges against Tresilian and the rest being, that they constrained the judges to subscribe the answers to these questions. The trial of the appeal was put off till the next parliament, which was fixed to be held on February 2, 1388. Before that day both the chiefs were removed; and on the first day of the session the rest of the judges, except Skipwith, were arrested in open court, and sent prisoners to the Tower.

The proceedings against Tresilian are detailed in a subsequent page. He was condemned to die the death of a traitor, and suffered on February 19. The other judges on March 2 were impeached by the Commons; and, though all of them pleaded constraint, they were convicted and

sentenced to death and forfeiture of their property. On the application, however, of the clergy and other peers, their lives were granted to them; but they were all banished to different parts of Ireland, with a prohibition from practising as lawyers, but with an annual allowance for their sustenance, and two servants to attend each.

After the death of the Duke of Gloucester in 21 Richard II., the judgments pronounced against them were reversed in the parliament which met in January, 1398; and the subserviency of the lawyers to the ruling power was again exhibited, by the chief justices Walter de Clopton and William Thurning, and Judge Rickhill, confirming, on that occasion, the opinions for which their predecessors had suffered.

The office of chancellor was held by ten individuals during this reign, eight ecclesiastics and two laymen, of whom one held the Seals three times and one twice. It was only vacant for two periods of about two months each, when the duties were performed by temporary keepers.

CHANCELLORS AND KEEPERS.

ADAM DE HOUGHTON, Bishop of St. David's, the chancellor at the close of the last reign, was continued in office by the new king.[1] He held the Seal about sixteen months; when

SIR RICHARD LE SCROPE was appointed on October 29, 1378.[2] Surrendering the Seal in little more than eight months,

SIMON DE SUDBURY, Archbishop of Canterbury, received it on July 4, 1379.[3] He was not chancellor on the day of his brutal murder by Wat Tyler and his associates on June 14, 1381, having resigned his place two days before, in

[1] Rot. Claus. 1 Rich. II., m. 46.
[2] Ibid. 2 Rich. II., m. 25.
[3] Ibid. 3 Rich. II., m. 22.

the hope, no doubt, of appeasing the infuriated populace. The office of chancellor was not immediately filled up, but the Seal was placed in the custody of

HUGH DE SEGRAVE, at that time steward of the household, on June 16, 1381, and remained with him till

WILLIAM DE COURTENEYE, Bishop of London, on August 10, 1381[1], was appointed chancellor of England. The bishop's tenure of office was so short, that it looks as if he was only a *locum tenens* for

RICHARD LE SCROPE, who was reinstated within three months. The Roll says, that the bishop delivered up the Seal on November 30, 1381, and that the king gave it to Scrope on December 4; a commission having in the interim been sealed, appointing certain persons to receive the Lady Anne, his future queen, and to conduct her to his presence.[2] But in the proceedings in parliament on November 18, Scrope is spoken of as "lors novellement crees en Chanceller d'Engleterre."[3] His refusal to seal some extravagant grants of the king occasioned his removal on July 11, 1382. Another vacancy then occurred for about two months, during which

HUGH DE SEGRAVE, then treasurer, WILLIAM DE DIGHTON, then keeper of the Privy Seal, and JOHN DE WALTHAM, keeper of the Rolls, performed the duties of the Seal till August 8, when WALTER DE SKIRLAWE, having been raised to the office of Privy Seal, was added to them.

ROBERT DE BRAYBROKE, Bishop of London, was sworn in as chancellor on September 20, eleven days after his nomination.[4] Although the record of his retirement states that he "desired with great earnestness to be exonerated from the office," a quarrel between him and the Duke of Lancaster is supposed to have been the cause of his *supersedeas*, which took place on March 10, 1383.

[1] Rot. Claus. 5 Rich. II., m. 25.
[2] Ibid. m. 27.
[3] Rot. Parl. iii. 100.
[4] Rot. Claus. 6 Rich. II., p. 1. m. 24.

MICHAEL DE LA POLE, three days afterwards, received the appointment[1]; and on August 6, 1385, was created Earl of Suffolk. After holding the Seal for three years and a half he incurred the popular odium; and the king was forced to take it from him on October 23, 1386, preparatory to his first impeachment by the Commons.

During his chancellorship he was twice absent from his duties. On the first occasion, while he was engaged from February 9 to March 28, 1386, in an embassy to France, the Seal was placed in the hands of JOHN DE WALTHAM, keeper of the Rolls, and RICHARD DE RAVENSER and THOMAS DE NEWENHAM, two clerks of the Chancery; and on the second occasion, being occupied in his own private affairs, John de Waltham alone was entrusted with the Seal from April 23 to May 14 in the same year.[2]

THOMAS DE ARUNDEL, Bishop of Ely, succeeded the Earl of Suffolk on October 24, 1386[3], and presided in the Chancery for a little more than two years and a half; when

WILLIAM OF WYKEHAM, Bishop of Winchester, who had filled the office in the reign of Edward III., was again intrusted with the Seal on May 4, 1389[4], on the king's throwing off the control of the permanent council. His rule lasted two years and nearly five months; when, on his resignation,

THOMAS DE ARUNDEL, who had been raised to the archbishoprick of York, was replaced in the chancellorship on September 17, 1391.[5]

The archbishop was several times absent during the six years and two months that he filled the office; viz. from March 26 to April 19, 1393; on September 30, 1394; on October 8, 1395; and on August 6 and September 27, 1396:

[1] Rot. Claus. 6 Rich. II., p. 2. m. 12.
[2] Ibid. 9 Rich. II., m. 5. 12.
[3] Ibid. 10 Rich. II., m. 35.
[4] Ibid. 12 Rich. II., m. 5.
[5] Ibid. 15 Rich. II., m. 34.

the length of his absence is only once mentioned. On each of these occasions, the Seal was entrusted to the master of the Rolls, of whom there were two during the period, JOHN DE BURTON, and JOHN DE SCARLE; but in the first two absences the keeper of the Hanaper was added to the commission, JOHN DE RAVENSER and WILLIAM DE WALTHAM successively holding that office.[1]

EDMUND DE STAFFORD, Bishop of Exeter, superseded Arundel on November 23, 1396.[2] He certainly continued to perform the duties of the Chancery till July 23, 1399; but how long afterwards is doubtful. Mr. Hardy, on the authority of some Privy Seal bills, proves that, during the troubles of that year, there were two other chancellors before the king's deposition on September 30. These were

THOMAS DE ARUNDEL, who had been translated from York to Canterbury, and, having been banished the kingdom, was now recalled by Richard; the first Privy Seal bill addressed to him as chancellor being dated August 23, and the last on September 3; and

JOHN DE SCARLE, the late master of the Rolls, and afterwards Archdeacon of Lincoln, who has similar bills addressed to him from September 5; and who was undoubtedly chancellor during the remaining twenty-five days of this, and the first six months of the next, reign.[3]

The chancellor had been hitherto, except in one instance in the reign of Henry III.[4], styled "Cancellarius Regis;" but from the beginning of this reign the title "Cancellarius Angliæ" came into common use. Adam de Houghton, Bishop of St. David's, is so called for the first time in the

[1] Rot. Claus. 16 Rich. II., m. 9.; 18 Rich. II., m. 31.; 19 Rich. II., m. 12.; 20 Rich. II., p. 1. m. 28.

[2] Ibid. 20 Rich. II., p. 1. m. 22.

[3] Hardy's Cat. of Chancellors, 46.

[4] See antè, Vol. II. 148.

roll recording his resignation of the Seal and the appointment of Sir Richard le Scrope on October 29, 1378.

Prefixed to the first and second volumes of the Calendars of Chancery Proceedings in the Reign of Elizabeth, are several curious specimens of bills and petitions to the chancellors under Richard II.[1]; the principal difference between them and those now in use being the absence of that tautology and repetition the gradual introduction of which was, in some degree, rendered necessary by the quibbling evasions of subsequent ages. They are mostly addressed to Thomas de Arundel, Archbishop of York, who was chancellor from 15 to 20 Richard II., and one of them is dated in the seventeenth year. By a statute in that year, chap. 6., the chancellor was authorised to award damages to any person who was compelled to come into Chancery by writs founded on untrue suggestions.

According to the representation of the Commons in the reign of Henry V., it would appear that the writ of subpœna was introduced into Chancery proceedings by John de Waltham, who was master of the Rolls from 5 to 10 Richard II.; but some doubt exists whether he did more than modify the writ of the previous reign, which was very much of the same description. Among the proceedings above referred to there is a writ in 18 Richard II., by which a defendant is summoned to appear "sub periculo quod in cumbit."[2]

That some of the officers of this court were still accommodated in the king's palace, is evident from the fact that when the house therein appropriated for keeping the parchment, wax, and other necessaries belonging to the office of the keeper of the Hanaper, and "pro calefactura Ceræ nostræ pro Magno Sigillo nostro," was burned down in 1386, another

[1] Vol. I. i—xii., Vol. II. i. ii.

[2] Ibid I. v.

was granted for the purpose, viz., that between "Magnum Coquinam et domum vocatam la Picherhouse, super cornerium," until another more competent place should be provided.[1]

It has been already stated that the Great Seal of the last years of Edward III. was that used by Richard II.; and we may presume that the sum of fifty shillings paid to William Geyton, the king's engraver, for alterations made as well on it as on the seals of the three other courts, was for the mere substitution of the one king's name for the other.[2]

The master of the Rolls received his office for the first time in this reign "quamdiu bene et fideliter se gesserit in officio." He was sometimes called clerk of the Rolls; and his precedence was very high, as he is placed before the judges in stat. 12 Richard II., chap. 2. The annexation of the House of Converts to the office, made in the last year of Edward III., was confirmed at the beginning of this reign.

Five persons held the appointment under Richard II., who succeeded each other in the following order.

Masters of the Rolls.

William de Burstall, who had held the office for more than six years under Edward III., continued to enjoy it for about four years after that king's death. The cause of his retirement does not appear; but he was commanded to give up the Rolls and other records relating to the office to

John de Waltham, his successor, on September 8, 1381.[3] In 1384 liberty was granted to him to appoint a deputy, approved by the chancellor, to act when he was absent.[4]

[1] Rymer's Fœdera, vii. 548. The new edition of the Fœdera, published by the Record Commission, stops at the end of the reign of Edward III. The references in the subsequent reigns will be to the old edition, as above.

[2] Devon's Issues of Exch. 214.

[3] Rot. Pat. 5 Rich. II., p. 1. m. 22.

[4] Ibid. 8 Rich. II., p. 2. m. 26.

Having served five years and nearly two months, he was raised to the post of keeper of the Privy Seal; when

JOHN DE BURTON was appointed in his stead on October 24, 1386.[1] He died in the office, after holding it nearly eight years; as his *executors* were ordered to deliver up the records, &c., to

JOHN DE SCARLE, on July 22, 1394.[2] He retained his position for three years and nearly two months, when he was removed, and

THOMAS DE STANLEY was appointed on September 11, 1397[3], who was in possession of the place on the deposition of the king on September 30, 1399.

MASTERS IN CHANCERY.

THE ten first-named masters in Chancery in the following list held the office in the preceding reign, and acted also in this.

William de Burstall, M. R.	1 to 5 Rich. II.	
Richard de Ravenser	1 to 10	—
Thomas de Newenham	1 to 15	—
Henry de Codington	1 to 4	—
Thomas de Thelwall	1 to 5	—
John de Freton	1 to 7	—
Michael de Ravendale	1 to 6	—
Peter de Barton	1 to 18	—
John de Bouland	1 to 10	—
Walter Skirlawe (afterwards Bishop of Durham)	1 to 4	—
John de Waltham, M. R. (afterwards Bishop of Salisbury)	5 to 10	—
John de Scarle (M. R. 18 to 20 Rich. II.)	6 to 23	—
Robert de Faryngton	6 to 23	—
Robert de Muskham	6 to 8	—
Robert Manfield	10	—
John de Burton, M. R.	10 to 18	—
Richard Ronhale, or Rouhale	11 to 23	—

[1] Rot. Pat. 10 Rich. II., p. 1. m. 19. [2] Ibid. 18 Rich. II., p. 1. m. 28.
[3] Dugdale's Chron. Series.

Thomas de Stanley (M. R. 21 Rich. II.)	11 to 23 Rich. II.	
Thomas de Midelton	13 to 18	—
John de Folkyngham	16	—
John de Chitterne	16 to 23	—
William Rouden	19	—
John de Roderham	19 to 23	—
John Wakering (afterwards Bishop of Norwich)	19 to 23	—
Nicholas Bubbewyth (afterwards Bishop of London)	19 to 23	—
Simon Gaunstede	19 to 23	—
Robert Claydon	20	—
Hugh de Gaudeby	20 to 21	—
John Springthorp	20 to 23	—
John Rome	22 to 23	—

Lord Campbell says, that "the greatest indignation broke forth in this reign against the masters in Chancery, who were considered overgrown and oppressive sinecurists;" adding, from Hargrave's Law Tracts, 314., that "in 5 R. II. a complaint was exhibited against them in parliament, that they were over fatt, both in bodie and purse, and over well furr-d in their benefices, and put the king to verie great cost, more than needed."[1] I do not find any record of such a complaint in the Rolls of parliament; but in answer to certain petitions of the Commons in that year, which are given at length, "the clerks of the Chancery of the two principal degrees" (one of which consisted of the masters), together with the judges and others, were assigned, upon their oaths, diligently to advise, each degree for itself, of the abuses, wrongs, and defaults practised in their places, and in the courts of the king, and of the other lords in the realm; and they advised accordingly.[2]

The clerks of the second principal degree above referred to may possibly have been the six clerks, or, perhaps, the "clerici de cursu," to whom I have previously alluded. I presume that "Richard Tulsington, quondam Clericus de Cancellaria," whose death, in 1382, is recorded on a stone in the Temple Church, was one of these.[3] On one occasion, the

[1] Lord Campbell's Chancellors, i. 305.
[2] Rot. Parl. iii. 102.
[3] Dugdale's Orig. 174.

chancellor, on going away, is stated to have delivered the Seal to the master of the Rolls "in præsentia clericorum tam primi quam secundi gradus Cancellariæ."[1]

The masters in Chancery were also called "clerici de prima forma *ad robas*," by which name they are described in the "Ordinatio Cancellarie" made in the twelfth year of this reign. This Ordinatio was amended and re-issued in the reign of Henry V.; and the copy of it among the Hargrave MSS. in the British Museum (No. 189. p. 80.)[2], though professing to be the original order in the time of Richard II., bears on the face of it such palpable evidence of the subsequent amendments (every one of the persons named in it being masters in the reign of Henry V.), that it will be safer to refer to it when we come to that period.

The sittings of the Court of King's Bench were principally at Westminster; but sometimes at other places. They were appointed to be held at Coventry at Michaelmas, and at Worcester in Hilary, 21 Richard II.[3]; but, in the following June, the chief justice was ordered to come to Westminster to hold them.[4]

CHIEF JUSTICES OF THE KING'S BENCH.

JOHN DE CAVENDISH, chief justice of the King's Bench at the death of Edward III., continued in office from the beginning of this reign till July 15, 1381, 5 Richard II., when he was barbarously murdered by the rebels at Bury St. Edmund's.

ROBERT TRESILIAN was appointed on July 22, 1381, and presided in the court till January 31, 1388, 11 Richard II.; on which day, in consequence of his flight previous to his impeachment, he was superseded by

[1] Rot. Claus. 9 Rich. II., m. 5.
[2] Sanders' Orders in Chancery, pp. 1–7 *a*.
[3] Proc. of Privy Council, i. 75.
[4] Ibid. 81.

WALTER DE CLOPTON, who retained the office till the end of the reign.

JUDGES OF THE KING'S BENCH.

THE only puisne judge of the King's Bench at the end of the reign of Edward III. was Thomas de Ingelby. On the accession of Richard II., Dugdale places him among the judges of the Common Pleas; but as the authority he quotes is the mere patent of renewal of the annual fee to him and the rest of the judges, in which they would probably be all named together without distinction of court, and as no new judge was appointed to this court till nearly the end of the first year of the reign, I have so strong a conviction that he remained in his former place, that I venture to insert his name the first on the list.

I.	1377. June.	Thomas de Ingelby.
	1378. May 6.	Robert Tresilian, vice T. de Ingelby.
VI.	1383. Feb. 26.	David Hannemere, vice R. Tresilian, made Ch. K. B.
XI.	1387. Oct. 25.	John de Lokton, vice D. Hannemere, deceased.
XII.	1389. May 20.	John Hill or Hull, vice J. de Lokton.
		Hugh Hulse.

During the first twelve years of the reign, there were only two judges appointed for this court, the chief justice, and one puisne; but from that time another was added; so that at its close the judges were

Walter de Clopton, chief justice,
John Hill, Hugh Hulse.

The only removal of the Court of Common Pleas from Westminster, in the reign of Richard II., occurred in 1392, when it was ordered to be held at York.[1] Its continuance in that city was, probably, not long; and no doubt, when the king's anger against the Londoners, which caused the mandate, was appeased, the court resumed its customary sittings at Westminster.

[1] Rot. Parl. iii. 406.

CHIEF JUSTICES OF THE COURT OF COMMON PLEAS.

ROBERT DE BEALKNAP, the chief justice of this court, was re-appointed on the accession of Richard II., his patent being dated June 26, 1377.[1] His unfortunate subscription to the paper prepared by Chief Justice Tresilian, for which he was ultimately banished, occasioned his removal, and the appointment of

ROBERT DE CHARLETON, on January 30, 1388, 11 Richard II.; whose continuance in office terminated either on his death or retirement in the nineteenth year.

WILLIAM THIRNING, one of the judges of this court, was then raised to the chief seat on January 15, 1396, and occupied it till the deposition of the king.

JUDGES OF THE COMMON PLEAS.

ALL the puisne judges of the Court of Common Pleas, who acted at the end of the last reign, were re-appointed at the commencement of this, except William de Wichingham.

I. 1377.	June.	William de Skipwith.
		Roger de Fulthorpe.
		Roger de Kirketon.
	Nov. 26.	Henry de Percehay, a baron of Exchequer.
IV. 1380.	Dec. 6.	Henry de Asty, loco R. de Kirketon.
VII. 1383.		John Holt, loco ? H. de Asty.
		William Burgh, loco H. de Percehay.
XI. 1388.		John Wadham, loco R. de Fulthorpe.
		Richard Sydenham, loco J. Holt.
	April 11.	William Thirning, loco W. de Skipwith.
XII. 1389.	May 20.	William Rickhill, loco W. Burgh.
XIV. 1391.	Jan. 15.	John Penros.
XX. 1396.	July 7.	John Markham, loco R. Sydenham.
XXI. 1398.	May 6.	William Hankford, loco W. Thirning, made Ch. C. P.

[1] Dugdale, in his Chronica Series, introduces Sir Robert Preston as being constituted chief justice on October 5; but this is an error, theoffice held by that judge being in Ireland, and not in England. N. Fœdera, iii. 833.

XXII. 1399. William Brenchesley, loco J. Wadham.

The assigned number of judges of this court during the reign of Richard II. was five; except on one occasion, when, for a short time, another seems to have been added. Those at the end of it were

William Thirning, chief justice,
William Rickhill, William Hankford,
John Markham, William Brenchesley.

The removal of the Court of Exchequer from Westminster to York took place at the same time with that of the Common Pleas.[1] It is evident, however, that it soon returned.

In the assessment of the poll-tax in 2 Richard III., the chief baron of the Exchequer is joined in the same class with the other judges, and is charged 100 shillings; but the puisne barons are omitted in that division, and are not specially introduced into any other[2]; showing that, as in the previous reign, they were not considered as men of the law. In the fifth year it was one of the prayers of the Commons, that in future no one should be made baron of the Exchequer, clerk of the Pipe, or other officer of the Exchequer, unless he were a man well learned in the common law, or otherwise in the legal courses and usages of the Exchequer. In the commission also issued in the same parliament to enquire into the abuses of the different courts, the barons and great officers of the Exchequer are named *after* the serjeants.[3]

Chief Barons of the Exchequer.

Henry de Asty, who was chief baron of the Exchequer under Edward III., received a renewal of his patent at the commencement of this reign. In the fourth year he was transferred to the Common Pleas, and

[1] Rymer's Fœdera, vii. 714.
[2] Rot. Parl. iii. 58.
[3] Ibid. 102. 118.

ROBERT DE PLESSINGTON was placed at the head of this court on December 6, 1380. In 10 Richard II. he was charged with some trifling offences, and removed; when

JOHN CARY was appointed on November 5, 1386[1], and presided little more than sixteen months; when, being impeached and banished, his place was supplied by

THOMAS PYNCHEBEK, on April 24, 1388, 11 Rich. II. After a year's tenure of the office, he was succeeded by

JOHN CASSY, whose patent is dated May 12, 1389, and who continued in his place till the end of the reign.

BARONS OF THE EXCHEQUER.

THE only puisne baron at the end of the last reign, who was not re-appointed by Richard II., was John de Blockley.

I. 1377.	June.	William Gunthorp.
		Henry de Percehay.
		Laurence de Allerthorpe.
		Nicholas de Drayton.
	Oct. 9.	Richard Stokes, vice H. de Percehay, made Just. C. P.
VIII. 1384.	July 20.	William Ford, loco ? N. de Drayton.
XI. 1388.		William Doubridge, loco ? W. Gunthorp.
XVII. 1393.	Oct. 24.	Ralph de Selby, loco ? W. Doubridge.

The number of barons during this reign was five, until the death or resignation of W. Gunthorp, whose place does not appear to have been supplied. Richard Stokes and Ralph de Selby also died or retired before the end of the reign, and had no successors. On the deposition of the king there were only three barons; viz.

John Cassy, chief baron,
Laurence de Allerthorpe, William Ford.

[1] John Cary is erroneously inserted as a puisne baron by Dugdale, who, by another mistake, introduces William de Karleol, the chief baron of the *Irish* Exchequer in 7 Rich II., and replaces Robert de Plesyngton on August 8, 1386, 10 Rich. II. But Plesyngton continued chief baron, uninterruptedly, from December, 1380, till November, 1386, as above stated.

Table of Chancellors and Keepers of the Seal, and of Masters of the Rolls.

A. R.	A. D.	Chancellors and Keepers.	Masters of the Rolls.
1	1377, June 22	Adam de Houghton, Bishop of St. David's	William de Burstall.
2	1378, Oct. 29	Sir Richard le Scrope	—
3	1379, July 4	Simon de Sudbury, Archbishop of Canterbury	—
5	1381, June 16	Hugh de Segrave, *Keeper*	—
	Aug. 10	William de Courteneye, Bishop of London	—
	Sept. 8	—	John de Waltham.
	Nov. 18	Sir Richard le Scrope	—
6	1382, July 11	Hugh de Segrave, William de Dighton, John de Waltham, M.R., *Keepers*	—
	Sept. 20	Robert de Braybroke, Bishop of London	—
	1383, March 13	Sir Michael de la Pole, afterwards Earl of Suffolk	—
10	1386, Oct. 24	Thomas de Arundel, Bishop of Ely	John de Burton.
12	1389, May 4	William of Wykeham, Bishop of Winchester	—
15	1391, Sept. 17	Thomas de Arundel, then Archbishop of York	—
18	1394, July 22	—	John de Scarle.
20	1396, Nov. 23	Edmund de Stafford, Bishop of Exeter	—
21	1397, Sept. 11	—	Thomas de Stanley.
23	1399, Aug.	Thomas de Arundel, then Archbishop of Canterbury	—
	Sept.	John de Scarle	—

The king was deposed on Sept. 29, 1399.

Table of the Chief Justices and Judges of the King's Bench.

A. R.	A. D.	Chief Justices.	Judges of the King's Bench.	
1	1377, June	John de Cavendish	Thomas de Ingelby.	
	1378, May 6	—	Robert Tresilian.	
5	1381, June 22	Robert Tresilian		
6	1383, Feb. 26	—	David Hannemere.	
11	1387, Oct. 25	—	John de Lokton.	
	1388, Jan. 31	Walter de Clopton	—	
12?	1389, May 20	—	John Hill	Hugh Hulse.

TABLE OF THE CHIEF JUSTICES AND JUDGES OF THE COMMON PLEAS.

A.R.	A.D.	CHIEF JUSTICES.	JUSTICES OF THE COMMON PLEAS.				
1	1377, June	Robert de Bealknap	William de Skipwith	Roger de Fulthorpe	Roger de Kirketon.	Henry de Percehay.	
	Nov. 26	—	—	—	—		
4	1380, Dec. 6	—	—	—	Henry de Asty.		
7	1383	—	—	—	John Holt	William Burgh.	
11	1388, Jan. 30	Robert de Charleton	—	John Wadham	Richard Sydenham.		
	April 11	—	William Thirning	—	—		
12	1389, May 20	—	—	—	—	William Rickhill.	
14	1391, Jan. 15	—	—	—	—	—	John Penros.
19	1396, Jan. 15	William Thirning	made Ch. C. P.	—	—	—	
20	July 7	—	—	—	John Markham	—	
21	1398, May 6	—	William Hankford	—	—	—	
22	1399	—	—	William Brenchesley	—	—	

TABLE OF THE CHIEF BARONS AND BARONS OF THE EXCHEQUER.

A.R.	A.D.	CHIEF BARONS.	BARONS OF THE EXCHEQUER.			
1	1377, June	Henry de Asty	William Gunthorp	Henry de Percehay	Laurence de Allerthorpe	Nicholas de Drayton.
	Oct. 9	—	—	Richard de Stokes	—	—
4	1380, Dec. 6	Robert de Plesyngton	—	—	—	—
8	1384, July 20	—	—	—	—	William Ford.
10	1386, Nov. 5	John Cary	—	—	—	—
11	1388, April 24	Thomas Fynchebek	William Doubridge	—	—	—
12	1389, May 12	John Cassy	—	—	—	—
17	1393, Oct. 24	—	Ralph de Selby	—	—	—

The salaries of the judges remained the same as in the last reign; and for their summer robes, in 11 Richard II., they had each ten ells of green cloth long, with an addition of twenty-four ells of green taffeta for the chiefs of the two courts of King's Bench and Common Pleas. The chief baron had the same robes as the puisne judges; those for the other barons are not mentioned.[1]

By the statute of 8 Richard II. chap. 3., the old law of 20 Edward III., as to the judges receiving no gift or fee except from the king, was renewed; but in the following year the king thought proper to annul and make it void, because it was too severe.[2]

The second chapter of the same statute enacts, that no man of law should be from thenceforth "justice of assizes or of the common deliverance of gaols in his own country."

In 20 Richard II. it was enacted, chap. 3., "that no lord, nor other of the county, little nor great, shall sit upon the bench with the justices, to take assizes, in their sessions in the counties of England."

Delays and abuses in the king's courts were the subject of frequent complaints by the Commons; and from several of their petitions it appears that both eyres and trailbastons were considered oppressive to the people. The king at last, though claiming them as part of his prerogative, refrained from granting them in the fifteenth and sixteenth years[3]; since the latter of which no trailbaston has been held.

The courts were adjourned in 4 Richard II. "propter insurrectionem, sub conductu Jack Straw et Wat Tyler;" and again, in the eighth year, on account of the rumoured invasion of the French and Scots.[4]

The Issue Rolls of the early part of this reign contain various entries of payments for "Images" to be placed in

[1] Dugdale's Orig. 99.
[2] Rot. Parl. iii. 210. 222.
[3] Ibid. 90. 138. 140. 286. 302.
[4] Rymer's Fœdera, vii. 311. 476

Westminster Hall[1]; but in March, 1395, such extensive alterations were made in it, that it may almost be said to have been rebuilt. The contract for part of the works is preserved in Rymer.[2] It is not improbable that the taste of William of Wykeham, Bishop of Winchester, may have been put in requisition; nor that Geoffrey Chaucer, who was clerk of the king's works about that time, may have superintended the improvements.

ATTORNATI REGIS

DUGDALE mentions only four Attornati Regis in this reign, to whom I have added two others.

II. 1378. Thomas de Shardelow, who had held the office under Edward III.
V. 1381. William Ellis.
Laurence Dru.[3]
VIII. 1384. William de Horneby, mentioned as king's serjeant in 1 Henry IV.
X. 1386. Edmund Brudnell, clerk of the crown at the beginning of the reign; and acting on the part of the king in the thirteenth year.[4]
XXII. 1398. Thomas Coveley.[5]

SERJEANTS.

THE only serjeants of this reign who are mentioned by Dugdale and repeated by Wynne, are the following. Those marked * became judges.

I. 1377.	* Robert Tresilian,	* David de Hannemere.
	* John Holt,	John de Middleton.
	* Walter de Clopton.	
VI. 1383.	* John Cary,	* John Hill.
	Edmund de Clay.	
VII. 1383.	* William Rickhill.	
IX. 1385.	* John de Lokton.	
XIV. 1390.	* John Markham,	* William Hankford.
	* John Wadham,	* William Brenchesley.
XXI. 1397.	* William Gascoigne.	

[1] Devon's Issues of Exch. 227—230.
[2] Fœdera, vii. 794.
[3] Cal. Rot. Pat. 205.
[4] Rot. Parl. iii. 14. 463
[5] Cal. Rot. Pat. 236.

All of these are king's serjeants, except three, John Cary, Edmund de Clay, and John Hill, whose names are united in a writ summoning them to take upon themselves the degree of serjeant-at-law, on Monday next before the feast of the purification of the Virgin, in the sixth year, 1383. This, Dugdale says, is the first of these writs he had met with; and he states that the kings became necessitated to issue them, because the learned in the laws were not very forward to take the degree upon them, on account of the great charge to which they were put by the grand feast and large retinue they were obliged to have at their reception.[1] I cannot, however, help doubting whether this supposed disinclination was the origin of the writ, although obedience to it is insisted on under a penalty of 1000*l*. There is no evidence, at this early period, of the extravagance that afterwards prevailed at these festivals; and it is little likely that there would be many objectors to the assumption of a rank which at once gave them special and profitable privileges, and was the necessary road to judicial honours. The king, having assumed the appointment as part of the royal prerogative, the nomination, though intended as an advancement and a favour, would naturally take the form of a command. The resistance of a few individuals is no proof of any general disinclination; and might arise from peculiar circumstances connected with their actual position.

Thus it seems that one of the three named in this the first discovered writ, John Cary, disobeyed its mandate; and afterwards received a regular discharge for doing so.[2] He subsequently became chief baron of the Exchequer, and may have refused the honour, because he probably was, at that time, only an officer in that department. No evidence exists of his having ever acted as an advocate; and we know that the barons were not commonly men of the law.

[1] Dugdale's Orig. 110. [2] Manning's Serv. ad legem. 201.

The precedence of the serjeants in this reign was *before* the puisne barons of the Exchequer, if we may judge from the order in which they are placed in the commission, issued in 5 Richard II., for inquiry into the abuses of the courts.[1] When, however, the puisne barons became regular judges, and took the coif, as they afterwards did, their position was, of course, reversed. Sir Edward Coke says that, according to the statute 24 Henry VIII. chap. 13., the serjeants precede "divers that sit on the high bench, in a court of great eminency, in Westminster Hall;"[2] meaning the masters of the Chancery. These are certainly placed next after the serjeants in the clause of exemption from the regulations as to apparel in that act: but it is more than doubtful whether that clause can be deemed to regulate, or even to intimate, the real order of precedence; seeing that the master of the Rolls is therein placed *after* the judges of both benches and the barons of the Exchequer.

We cannot have a better description of a serjeant-at-law, at this period, than that contained in the prologue to Chaucer's Canterbury Tales, supposed to have been written about the middle of the reign.

"A Sergeant of the Lawe ware and wise,
That often hadde yben at the parvis,
Ther was also, ful riche of excellence.
Discrete he was, and of gret reverence:
He semed swiche, his wordes were so wise.
Justice he was ful often in assize
By patent, and by pleine commissioun[1];
For his science, and for his high renoun,
Of fees and robes had he many on;
So grete a purchasour was no wher non.
All was fee simple to him in effect,
His purchasing might not ben in suspect.

[1] Rot. Parl. iii. 102.

[2] Preface to Coke's 10th Report.

[3] See antè, vol. iii. p. 370., where it appears that assizes may be taken not only by the judges, but by "the king's serjeants sworn," which is interpreted to mean any serjeant-at-law.

No wher so besy a man as he ther n'as,
And yet he semed besier than he was.
In termes hadde he cas and domes alle,
That from the time of King Will weren falle.
Therto he could endite, and make a thing,
Ther coulde no wight pinche at his writing;
And every statute coude he plaine by rote.
He rode but homely in a medlee cote,
Gird with a seint of silk, with barres smale;
Of his array tell I no longer tale."

"The parvis," mentioned in the second line, was the name given to the outer court or cloisters of a church: and the practice here suggested, of serjeants resorting to it, is the same as that referred to, nearly a century afterwards, by Fortescue, in his "De laudibus Angliæ," chap. 51., where he says, "Placitantes hinc se devertunt ad Pervisum, et alibi consulentes cum servientibus ad legem et aliis Consiliariis suis." The parvis in question is believed to have been that of St. Paul's church, where it was the custom for each serjeant, on his elevation, to select a pillar for himself.

Besides the Inns of Court and Chancery appropriated to the students of the law, to which we shall presently advert, the judges and serjeants had an inn also for their special resort, though perhaps not so early as this reign. They occupied, at different times, three separate places; one in Chancery Lane, still used by them; another in Holborn; and the third in Fleet Street.

The only one of these that is mentioned in the reign of Richard II. is that in Chancery Lane, the first notice of which occurs in the seventeenth year, 1393; but clearly not as an inn for the serjeants; nor apparently in any other way connected with the law, except as the residence of John de Scarle, who was at that time one of the clerks or masters of the Chancery, and subsequently became master of the Rolls and chancellor. It is spoken of in the Bailiff's Accounts

with the Bishop of Ely, to whom the inheritance belonged, sometimes as "Tenementum," and sometimes as "Hospicium Domini Joh. Skarle."[1]

In the poll-tax of 2 Richard II., members of the legal profession were divided into four classes, and were thus assessed[2]:

1. The judges and chief baron of the Exchequer -	- 100 shillings.
2. Each serjeant and "grant apprentice du loi" -	- 40 „
3. Other apprentices who pursue the law - -	- 20 „
4. All other apprentices of less estate, and attorneys	- 6*s.* 8*d.*

The "grants apprentices," named in the second class, were no doubt the leaders of the court who were of a standing to be called to the degree of serjeant, answering to the wearers of silk gowns in our time, but certainly not bearing the title of king's counsel. The "better apprentices of the law," named in the commission of 5 Richard II. for enquiry into abuses[3], were no doubt some of these. Those in the second class were the regular pleaders in the court; and the "other apprentices of less estate" were perhaps the younger students who had not yet served long enough to be called to the bar. The attorneys had evidently by this time become a separate body.

By the absence of the Year Books of this reign, the names of many of the practising counsel are no doubt lost. Those which follow are extracted out of the reports of Richard Bellewe; and many of them are of course abbreviations.

Counsel.

The initials show the courts to which those who became judges were first advanced.

Berr,	Brough,	Burrogh,
Breton, Byrt. Clerk,	Burgh,	Brynchesley, C.P.,

[1] Dugdale's Orig. 332.; Pearce's Inns of Court, 438.
[2] Rot. Parl. iii. 58.
[3] Ibid. 102.

Cand,	Ham., qu. Hannemere,	Rede,
Cassy, Ch. B. E.,	K. B.,	Scot,
Cheld,	Harvie,	Screne,
Cich,	Hasty,	Scrope,
Clopton, Ch. K. B.,	Hert,	Sidenham, C. P.,
Cokain, Ch. B. E.,	Hilling,	Tyrwit, C. P.,
Cotton,	Horneby,	Wade,
Crosby,	Huls, K. B.,	Wadham, C. P.,
Crosse,	Locton, K. B.,	Weston,
Devon,	Nedham,	Wich,
Furch,	Penros, C. P.,	Wood,
Gascoigne, Ch. K. B.,	Pinchebek, Ch. B. E.,	Woodrof.
Grene,		

A curious description of a consultation of lawyers is given by Dugdale in his Baronage, vol. i. p. 579., from an old MS. By the death of John Hastings, Earl of Pembroke, in 13 Richard II., 1389, without issue, a question arose as to his lands between Edward Hastings, his heir male of the half blood, and William de Beauchamp, who claimed under an entail. "Beauchamp," says Dugdale, "invited his learned counsel to his house in Paternoster Row, in the city of London; amongst whom were Robert Charlton (then a judge), William Pinchebek, William Brenchesley, and John Catesby, (all learned lawyers); and, after dinner, coming out of his chappel, in an angry mood, threw to each of them a piece of gold, and said, 'Sirs, I desire you forthwith to tell me whether I have any right or title to Hastings' lordship and lands?' Whereupon Pinchebek stood up (the rest being silent, fearing that he suspected them), and said, 'No man here nor in England dare say that you have any right in them, except Hastings do quit his claim therein; and should he do it, being now under age, it would be of no validitie.'" Let us hope that Charlton, who was then chief justice of the Common Pleas, was not a willing party to this dinner, and that he did not, contrary to his oath, partake of the gold so distributed. This seems likely, from Pinchebek being the

spokesman of the counsel. A Thomas Pynchebek had been for a short time, in the previous year, chief baron of the Exchequer; and if, mistaking the christian name, this anecdote applies to him, it shows that he had returned to the bar on his removal from office.

In the reign of Richard II. scarcely anything is to be found illustrative or explanatory of the distinction between the Inns of Court and the Inns of Chancery. But some incidents occurred in it which may be regarded as proving that the TEMPLE was then a place appropriated to the study of the law, notwithstanding the dubious phraseology in which the annalists relate them.

In the insurrection of Wat Tyler, in June, 1381, the rebels are described, in a French chronicle of the time (followed by Stow), as going to the Temple to destroy the tenants thereof, and pulling down some of the houses, and taking off the tiles of others; and then, it is added, they "went to the church, and took all the books and rolls of remembrances which were in their hutches in the Temple of the apprentices of the law, and carried them into the highway, and burnt them." It will be at once seen that as far as this passage goes, it proves nothing as to the *residence* of lawyers in the Temple; for it is well known that it was not at all unusual to deposit muniments in churches for safe custody; and we have instances of money and other valuables being placed in the charge of the Knights Templars while resident there; a confidence which might still have been continued to the Knights of St. John of Jerusalem, whose property the Temple then was. Indeed, if the lawyers were at that time domiciled in the Temple, it seems extraordinary that their books and rolls should be placed in the church, rather than in their own custody. Stow, however, proceeds to say, that "this house they spoyled for wrathe they bare to the Prior of St. John's, unto whom it belonged;" and that

they went from thence to the Savoy, destroying in their way all the houses that belonged to the Hospital of St. John. This would show that the animosity of the rebels was not against the lawyers so much as against Robert de Hales, the Prior of St. John's, who was then treasurer of England, and whom they murdered on Tower Hill; and it would seem to lead to the inference that the Hospitallers, rather than the lawyers, were then in the actual occupation of the Temple. Walsingham, it is true, in relating the same fact, while he in like manner attributes it to their anger against the treasurer, describes the place as one "in quo apprenticii juris morabantur nobiliores."

From this word "nobiliores" an argument has been raised that the Temple was at that time one of the superior places for legal study, and had even then acquired the title of an Inn of *Court*, in contradistinction to an Inn of *Chancery*. But when we find that this writer, who flourished half a century afterwards, speaks of the place as "locum qui vocatur *Temple-Barr*," we may judge what reliance is to be placed on the minute details of the transactions he records.[1]

Still there seems to be sufficient to establish the fact that the Temple was then occupied in some manner by students of the law; and Chaucer's description of the Manciple, generally understood to have been written about 13 Richard II., 1389, may be adduced as further testimony in its support, if the first line is to be taken as referring to this house.

A gentil Manciple was ther of a temple,
Of which achatours mighten take ensample
For to ben wise in bying of vitaille.
For whether that he paide or toke by taille,
Algate he waited so in his achate,
That he was ay before in good estate.
Now is not that of God a ful faire grace,
That swiche a lewed mannes wit shal pace

[1] Dugdale's Orig. 145.; Hearne's Curious Discourses, i. 67.; Pearce, 217.

The wisdom of a hepe of lered men?
Of maisters had he mo than thries ten
That were of *lawe* expert and curious;
Of which ther was a *dosein in that hous*,
Worthy to ben stewardes of rent and lond
Of any lord that is in Englelond,
To maken him live by his propre good,
In honour detteles, but if he were wood,
Or live as scarsly, as him list desire;
And able for to helpen all a shire
In any cas that mighte fallen or happe;
And yet this manciple sette hir aller cappe.[1]

Legal writers, in noticing this passage, have invariably given the last two words of the line as "the Temple," following the reading of the black letter editions. The reading, however, not only of the modern editions, but in seven out of eight of the MSS. in the British Museum, is "a temple." The difference is not inconsiderable; and evidently requires some explanation, which I acknowledge I am unable to give. If, nevertheless, as appears most probable, it does refer to the New Temple, it proves at the same time that the Society was then a very small body, little exceeding "thrice ten." An argument might perhaps be raised that the expression "*a* temple" shows that it was one of two Temples, and that consequently the division had then taken place between the Inner and the Middle Temple; but every probability is in opposition to so early a severance.

Both Chaucer and Gower have been described as students, not merely of the Temple, but even of the *Middle* Temple. But the history of their lives is involved in such obscurity, and the evidence is so extremely slight, that it would be hazardous to place any reliance on the assertion. "We are told by Thynne, in his *Animadversions* on Speght's edition of Chaucer's works, that 'it is most certain to be gathered, from circumstances of records, that the lawyers were not in the

[1] Tyrwhitt's edit. i. 22.

Temple until towards the end of the reign of Edward III., at which time Chaucer was a grave man, holden in great credit, and employed in embassy. So that, methinketh he should not be of that house; and yet, if he then were, I should judge it strange that he should violate the rules of peace and gravity in those years,' (alluding to the story of his beating a Franciscan in Fleet Street)." [1] And Gower was yet older than Chaucer.

There are no Year Books of this reign; but the deficiency is in some measure supplied by a volume of Reports entitled "Les Ans du Roy Richard le Second, collect' ensembl' hors de les Abridgements de Statham, Fitzherbert, et Brooke, per Richard Bellewe de Lincolns Inn, 1585." The subjects are arranged alphabetically.

Besides these there are some cases in the 2nd, 6th, 7th, 8th, 12th, 13th, 21st, and 22nd years, comprehended in the second century of David Jenkins's Reports.

[1] From Leigh Hunt's pleasant work called "The Town." He quotes the passage from Todd's "Illustrations of Chaucer and Gower."

BIOGRAPHICAL NOTICES

OF

THE JUDGES UNDER THE REIGN OF RICHARD II.

ALLERTHORPE, LAURENCE DE.

B. E. 1377.

See under the Reigns of Edward III. and Henry IV.

ARUNDEL, or FITZ-ALAN, THOMAS DE, Archdeacon of Taunton, Bishop of Ely, Archbishop of York and Canterbury.

Chancellor, 1386, 1391.

See under the Reign of Henry IV.

ASTY, HENRY DE.

Ch. B. E. 1377. Just. C. P. 1380.

See under the Reign of Edward III.

Henry de Asty was connected with the county of Lincoln, in which he held the manor of Burwell, and the advowson of the priory there, paying to the king an annual rent of 100 marks.[1]

Of his official position there is no account until he was raised to the office of chief baron of the Exchequer on November 12, 1375, 49 Edward III. He was continued in his place on the accession of Richard II., and remained there till December 6, 1380, in the fourth year of that reign, when

[1] Abbrev. Rot. Orig. ii. 348.; Cal. and Inv. of Exch. ii. 22.

Robert de Plessington was appointed in his stead. He however was still retained on the bench, and acted as a judge of the Common Pleas until Hilary Term, 6 Richard II., 1383, beyond which no fines were levied before him, nor is his attendance in parliament recorded.[1]

BATH AND WELLS, Bishop of. *See* W. Skirlawe.

BEALKNAP, ROBERT DE.

Ch. C. P. 1377.

See under the Reign of Edward III.

Although Robert Bealknap had very considerable possessions in the county of Kent before he could have acquired them from the profits of his profession, we do not find with certainty who his parents were, except that their names were John and Alice.[2] It is not improbable that his father was a lawyer, as an advocate of that name occurs in the Year Book of 20 Edward III. Robert's career in the courts commences in 36 Edward III.; and we find him three years afterwards one of the commissioners appointed by the king to enquire into an inundation of the sea in the Isle of Thanet, and to secure the houses, &c. In several of the following years, also, he acted under commissions of a similar character in Kent.[3] In 40 Edward III. he became a king's serjeant, for which he had a salary of 20*l.* a year; with another of the same amount as a justice of assize,—a duty which he frequently performed till his elevation to the bench at Westminster.[4] This event occurred on October 10, 1374, 48 Edward III., when he was constituted chief justice of the Court of Common Pleas in the room of William de Fyn-

[1] Dugdale's Orig. Jurid. 45.; Rot. Parl. iii. 133.

[2] Lord Campbell's Chief Justices, i. 113.

[3] Lewis's Isle of Thanet, 200.; N. Fœdera, iii. 870. 952. 961.

[4] Liber Assisarum; Devon's Issue Roll, 44 Edw. III., 369, 370.

chieden. Three months before, he had been sent to treat with the pope's nuncios as to the reformer Wicliff.[1] He was knighted in 1385.[2]

Retaining his place on the accession of Richard II., he continued in the steady performance of his duties in court and in parliament for thirteen years. Only one incident of importance varied the quietness of this period of his life. In May, 1381, he was sent into Essex with a commission to bring to trial and punishment the insurgents who had risen against the poll-tax recently imposed. No sooner had the grand jury began to find the indictments, than they were broken in upon by the rioters, their heads chopped off and carried away on poles, and the chief justice was compelled to swear that he would hold no more such sessions.[3] It was perhaps on account of this oath that he was not appointed chief justice of the King's Bench on the death of Cavendish in the following month; but the circumstance that no personal injury was offered to him proves the respect with which he was regarded, and that the outrages of the people were not directed against lawyers as lawyers.

When the profusion of King Richard, and the arrogance of his favourites, had in October, 1386, induced the parliament to interfere, and not only to insist on the removal of the latter, but to impeach and convict the chancellor, Michael de la Pole, it is not improbable that Bealknap, from his position as a judicial assistant to the peers, contributed to the preparation of the ordinance, then passed and confirmed by the king, by which the executive government of the country was substantially placed in the hands of eleven commissioners, with a complete control over the public revenue. The Archbishop of York afterwards charged him with having devised it; but this was evidently without foundation.

[1] N. Fœdera, iii., 1007. 1015.
[2] Leland's Coll. 185.
[3] Turner's Engl. ii. 245.

In the following year that prelate, with the Duke of Ireland, the Earl of Suffolk, and Chief Justice Tresilian, having stirred up the king to resist the encroachment on his authority, the judges were summoned to Shrewsbury to support this purpose by declaring the ordinance to be illegal. There a series of questions with answers, as some allege ready prepared, were submitted to them for signature. Bealknap refused for some time to sign the document, but the duke and earl threatening his life if he persisted, he at last submitted, exclaiming as he did so, "Now here lacketh nothing but a rope, that I may receive a reward worthie for my desert; and I know if I had not doone this I might not have escaped your hands; so that for your pleasures and the king's I have doone it, and deserved thereby death at the hands of the lords."[1] The seals of all the judges present were accordingly attached to an act of council dated at Nottingham, August 25, 1387, 11 Richard II., containing the questions and answers, by which they declared the whole proceedings to be contrary to the king's prerogative, and all the promoters of them to be guilty of high treason; thus in effect condemning the commissioners and all the lords of parliament to the death of traitors.

The lords were not idle in securing themselves from the danger to which they were thus exposed; and adding this charge to many others, they appealed the four favourites, together with Nicholas Brambre, of treason, of which they were all convicted in the next parliament. It is said that on February 3, the day of its meeting, Sir Robert Bealknap and the rest of the subscribing judges were arrested while sitting in court; but this could not be, as Bealknap was removed and Robert de Charleton appointed his successor three days before. He was, however, conveyed to close

[1] Holinshed (1807), ii. 782.

imprisonment in the Tower. At the trial, on March 2, Bealknap pleaded the compulsion under which he signed, and prayed mercy; but the temporal lords, not admitting that excuse, found him and the others guilty, and adjudged them to be drawn and hanged as traitors, their heirs to be disinherited, and their lands and goods to be forfeited to the king. The spiritual peers who had previously retired from the house, the case being capital, now came forward and interceded for the lives of the unfortunate judges; whose sentence was ultimately commuted to that of banishment for life. The town of Drogheda, with three miles round it, was fixed as the retreat of Bealknap, and an allowance of 40*l.* was granted to him for his support. There he remained till January, 1397, 20 Richard II., when the parliament remitted this part of his punishment, and he was allowed to return to England; and in the parliament of the following year, the whole of the judgment was reversed, and the restoration of such of the forfeited lands as had not been alienated was decreed.[1] But all the acts of this parliament were annulled immediately on the accession of Henry IV., so that the forfeiture remained in full force.

What advantage in respect to his estates Bealknap obtained in the interval does not appear, nor is the date of his death precisely known. It may be presumed, however, that he was no longer alive in January, 1401, 2 Henry IV., when his colleagues, John Holt and William Burgh, petitioned the parliament for a restoration of their lands; as if he had been he would no doubt have joined them in the application: and it is certain that he was dead when the prayer of their petition was granted two years afterwards. There is a case in the Year Book of 1 Henry IV. p. 1. relative to a writ of ward against the wife of Bealknap; but that refers to the

[1] Rot. Parl. iii. 233—244. 346. 358.

king's right on account of the judge's banishment[1], and not on account of his death. By another case, in 2 Henry IV. Michaelmas, p. 7., it appears that the wife of Bealknap during his exile brought an action in her own name alone, and that it was decided that she could do so because her husband was attainted in law, and she was the king's tenant; Judge Markham observing,

> "Ecce modo mirum, quod fœmina fert breve Regis,
> Non nominando virum conjunctum robore legis."

The date of this case does not appear, and it is only referred to in the report as analogous to one then before the court.

In the first of these cases the name of his wife is stated to be Sybell; but it is curious that in three records, two bearing an earlier and one a later date, she is called Juliana. The first of these refers to the manor de la Lebury, in Essex, which came to her in 46 Edward III. as next of kin and heir of Thomas Phelipp de Baldock[2]; the next is the entry on the Issue Roll of Easter, 12 Richard II., of the payment to her of the 40*l.* allowed for his sustenance in exile[3]; and the third is the inquisition on her death in 2 Henry V.[4]

The chief justice's son Hamon did not obtain the complete removal of the attainder till 4 Henry VI., when he recovered possession of his estates, which descended eventually to his grandson Sir Edward Bealknap, who was a privy counsellor in the time of Henry VII. and VIII. Dying without issue, the property was divided among his three sisters, one of whom married Sir William Shelley, a judge in the latter reign.

[1] The Report says, "religate al *Gascoyne*," an error probably arising from the name of Judge Gascoyne immediately following. Lord Ellesmere, quoting the Report, makes the same mistake. State Trials, ii. 677.

[2] Abbrev. Rot. Orig. ii. 319. [3] Devon's Issues of Exch. 240.

[4] Cal. Inquis., p. m., vi. 7. Her husband is erroneously called Richard.

BRAYBROKE, ROBERT DE, ARCHDEACON OF CORNWALL, DEAN OF SALISBURY, BISHOP OF LONDON.

CHANCELLOR, 1382.

ROBERT DE BRAYBROKE was a lineal descendant from Henry de Braybroc, the justicier in the reign of Henry III. He was a younger son of Sir Gerard Braybroke, who died in 1359, by Isabella his wife. Educated for the church, he successively became a canon of Lichfield, Archdeacon of Cornwall in 1376, Dean of Salisbury in 1380, and ultimately Bishop of London on September 9, 1381, as successor to William de Courteneye.[1]

He was appointed chancellor of England on September 9, 1382, but did not receive the Seal till the 30th.[2] Of his acts while in that office nothing is recorded beyond his opening the parliament in October; and his tenure of it was very short; for, in consequence of some disagreement between him and John of Gaunt, Duke of Lancaster, he was removed on March 10, 1383; the record delicately suggesting that he "desired with great earnestness to be exonerated from the office."[3]

The remainder of his life, which extended till August 27, 1404, was devoted to his episcopal duties. He was buried in his own cathedral.[4]

BRENCHESLEY, WILLIAM.

JUST. C. P. 1399.

See under the Reign of Henry IV.

BUCKINGHAM, ARCHDEACON OF. *See* W. OF WYKEHAM.

BURGH, WILLIAM.

JUST. C. P. 1383.

WILLIAM BURGH was apparently of a Norfolk family, although he had property in the counties of Leicester,

[1] Le Neve, 94. 178. 263.
[2] Rot. Claus. 6 Rich. II., p. 1. m. 24.
[3] Ibid. p. 2. m. 12.
[4] Godwin de Præsul. 186.

Rutland, and Lincoln.[1] His first appearance as an advocate in the Year Books was in 43 Edward III., 1369; and he is mentioned as one of the king's serjeants in 3 Richard II., 1379[2]; receiving in the same year the appointment of seneschall of the domain of Okeham "ad placitum Regis."[3] In Trinity, 1383, 7 Richard II., we find him acting as a judge of the Common Pleas, to which he had probably been only just appointed, as in the following Christmas he was knighted at Eltham, having previously received the materials for his robes as a Banneret.[4]

He was one of the judges who, in August, 1387, were induced, or, as he pleaded, compelled, to sign the opinions stigmatising the ordinance of the previous parliament, appointing commissioners for the government of the kingdom, as treason; and being impeached in consequence, was condemned with his colleagues to die. His sentence, like theirs, was commuted to banishment for life; and the city of Dublin, with two miles round it, was named as the place of his exile, with an allowance of 40 marks per annum to live on. His expatriation lasted till 20 Richard II., 1397, when he had liberty to return. The reversal of the original proceedings against him and the others, which passed in the next year, was in its turn annulled by the first parliament of Henry IV., two years afterwards. That king, however, in the fourth year of his reign, restored him wholly to the property which he had forfeited.[5]

BURSTALL, WILLIAM DE.

M. R. 1377.

See under the Reign of Edward III.

WILLIAM DE BURSTALL is first mentioned as a clerk, or master, in Chancery in a document recording that the Great

[1] Cal. Rot. Pat. 221.
[2] Rot. Parl. iii. 79.
[3] Cal. Rot. Pat. 203. 208.
[4] Dugdale's Orig. 46. 103.
[5] Rot. Parl. iii. 233—244. 346. 491.; Cal. Inquis. p. m., iii. 107.

Seal was placed in the custody of four individuals, of whom he is the second named, on March 16, 1371, to hold during the absence of Sir Robert Thorpe, the chancellor. The next time his name appears, is in an entry dated the 28th of the same month, stating the delivery by the Bishop of Winchester, the late chancellor, of certain seals which had been left in his possession.[1] He is then called master of the Rolls; and Dugdale fixes that as the date of his appointment. In 49 Edward III. there was a contest in the court of Rome between him and a cardinal relative to the presentation to the parish church of Hoghton, in the diocese of Durham, which the Pope found it convenient to decide in his favour.[2] On May 4, 1377, in the last year of Edward's reign, he and two other clerks were again entrusted with the Seal, while the chancellor Adam de Houghton was abroad; and it remained in their possession till the king's death, on June 21.[3] Under Richard II. he continued master of the Rolls during the first four years of his reign, and was a receiver of petitions in all the parliaments then assembled.[4] The reason of his retirement in the next year does not appear on the record appointing John de Waltham his successor on September 8, 1381[5]; but he probably died soon after, as his name does not subsequently occur.

During his time the Domus Conversorum in Chancery Lane was permanently annexed by Edward III. to the office of master of the Rolls.[6]

BURTON, JOHN DE.

M. R. 1386.

ALTHOUGH there was a John de Burton holding benefices about this time in Cambridgeshire and Yorkshire, who was

[1] Rot. Claus. 45 Edw. III., m. 35. [2] N. Fœdera, iii. 1037.
[3] Rot. Claus. 51 Edw. III., m. 7.; 1 Rich. II., m. 46.
[4] Rot. Parl. iii. 4—89. [5] Rot. Claus. 5 Rich. II., p. 1. m. 22.
[6] Rot. Pat. 51 Edw. III., m. 20.

very liberal to various institutions in those counties[1], we are not able positively to say whether they were the same individual; or if there were two, whether either was the John de Burton who succeeded John de Waltham as master of the Rolls on October 24, 1386.[2] He held the office till July 22, 1394, a period of seven years and three quarters, during every year of which we find him acting as a receiver of petitions in parliament[3]; and on one occasion, from March 26, to April 19, 1393, entrusted with the Great Seal during the absence of the chancellor.[4] There is proof that he died in possession of the place, by the mandate to give up the Rolls of the Chancery being directed not to him but his executors.[5]

The name was of such common occurrence that it would be useless, without a better clue than we have, to speculate as to the family to which he belonged.

CANTERBURY, Archbishops of. *See* S. de Sudbury, W. de Courteneye, T. de Arundel.

CARY, JOHN.

Ch. B. E. 1386.

John Cary was of an ancient and opulent family, seated in Devonshire. His father was Sir John Cary, knight, bailiff of the forest of Selwood, who represented his native county in 36 and 43 Edward III., and who died two years after the latter date.[6] His mother was Jane, the daughter of Sir Guy de Brien, and brought the estate of Holwey, in Devonshire, to the family. He himself was appointed a captain of the

[1] Cal. Inquis. p. m., iii. 108—167.
[2] Rot. Pat. 10 Rich. II., p. 1. m. 19.
[3] Rot. Parl. iii. 228—309.
[4] Rot. Claus. 16 Rich. II., m. 9.
[5] Rot. Pat. 18 Rich II., p. i. m. 28.
[6] Abbrev. Rot. Orig. ii. 281. 317. 323. There is an error in each of the two latter entries; in the former, John is called the *brother* of John deceased; and, in the latter, the *son* of Thomas. Burke's Landed Gentry.

Devonshire coast, and a commissioner of array in the same county, soon after his father's death.[1]

Notwithstanding Prince's boast in the Worthies of Devon, as to Cary's study of the law, and his great skill and knowledge in the profession, we can find no proof whatever of his having acted at all as an advocate. His name does not occur in the Year Book of Edward III., nor in Richard Bellewe's Reports of the Cases in the reign of Richard II.; and, according to the practice of that period, neither the chief nor the puisne barons of the Exchequer were necessarily selected from the serjeants or pleaders, nor indeed otherwise connected with the law than as officers of that particular department. It is true that he was called by the king's writ to take upon himself the degree of a serjeant-at-law in 6 Richard II.; but it is equally true that he disobeyed the summons[2]; and it may not be unreasonably supposed that he refused the honour because he was not a regular pleader in the courts.

Whatever was his previous position, he was raised to the office of chief baron of the Exchequer on November 5, 1386, 10 Richard II., in the room of Robert de Plesyngton[3]; but it turned out an unfortunate advancement for him. Within a fortnight after his appointment, the parliament passed an ordinance placing the government of the kingdom under eleven commissioners, and in effect depriving, not only the king's favourites, but the king himself, of all power in the state. In the efforts made to regain the ascendency they had thus lost, the plan already detailed of obtaining the declaration of the judges that the ordinance was illegal was adopted. The chief baron was one of those who concurred in that declara-

[1] N. Fœdera, iii. 976. 1046.

[2] Manning's Serviens ad Legem, 201.

[3] Dugdale, in his Chron. Series, makes him only a baron; but the patent which he quotes distinctly calls him "Capitalem Baronem;" and he is so described in the Parliamentary Proceedings.

tion; for although his name does not appear in the document signed at Nottingham, he was present with the others on the discussion at Shrewsbury. He, therefore, was included in the impeachment, and was condemned to death with his colleagues, but, like them, had his sentence commuted to banishment. The place of his exile was the city of Waterford and a circle of two miles round it; and for his support he had an allowance of 20*l.* per annum. As his name was not among those of his banished brethren who received permission to return to England in 20 Richard II., he probably died in Ireland, apparently in the previous year[1]; but his property, including Torrington and Cockington in Devonshire, was restored in 3 Henry IV., 1402.[2]

He married Margaret, daughter and heir of Robert Holloway, by whom he had two sons, Robert and John.

The latter was Bishop of Exeter for a short space, and died in 1419. The former was a renowned knight, who is said to have distinguished himself by defeating a bragging knight of Arragon, who had challenged all comers, in a long and doubtful combat waged in Smithfield. Several of Robert's descendants were dignified with peerages.

1. Henry Carey, whose mother was the sister of Queen Anne Boleyn, was ennobled by Queen Elizabeth, January, 1559, with the title of Baron Hunsdon; and his grandson was created Viscount Rochford in 1621, and Earl of Dover in 1627. These two titles expired on the death of his successor without issue; but that of Hunsdon survived in another branch till the year 1765, when it became extinct on the death of the eighth baron.

2. Robert Carey, the fourth son of the first lord Hunsdon, was created Baron Carey of Leppington, in Yorkshire, in February, 1622; and was advanced to the earldom of Mon-

[1] Cal. Inquis. p. m., iii. 196.

[2] Rot. Parl. iii. 484.

mouth in February, 1626. Although these honours expired with the death of his son in 1661, the earldom was revived in 1689, in the person of his great-grandson, Charles Mordaunt, second Viscount Mordaunt, who afterwards succeeded to the earldom of Peterborough; but both titles failed in 1814.

3. Sir Henry Cary, K. B., was raised to the peerage of Scotland in November, 1620, by the title of Viscount Falkland in the county of Fife, which now survives in the present viscount, who on May 16, 1832, was made an English peer by the revival of the title of Baron Hunsdon.

Robert Shedden Sulgarde Cary, of Torr Abbey, Devonshire, Esq., is now the representative of the elder branch of the family.[1]

CASSY, JOHN.

CH. B. E. 1389.

See under the Reign of Henry IV.

CAVENDISH, JOHN DE.

CH. K. B. 1377.

See under the Reign of Edward III.

NOTWITHSTANDING the high legal rank which John de Cavendish attained, and the tragical termination of his life, and although his family was afterwards illustrated by two dukedoms, no account remains of his early career except that which may be collected from the Year Books. Any detail, therefore, of the motives that influenced the choice of his profession, or of his proficiency in its exercise, would be mere invention, and the substitution of a glittering counterfeit for the sterling coin of truth. Nor can the want of these memorials be wondered at, when we advert to the fact that

[1] Nicolas's Synopsis; Dugdale's Baronage; Burke; Prince's Worthies of Devon, who is egregiously wrong in all his statements.

nearly 250 years elapsed after the death of the chief justice before the family was ennobled. John de Cavendish was the son of Roger de Gernum, the grandson of Ralph de Gernum, already mentioned as a justice itinerant in the reign of Henry III.[1] It has been the subject of dispute whether the name of Cavendish was first assumed by his father or himself, —each being said to have acquired it by marriage with the heiress of the lord of the manor so called in the county of Suffolk. There seems sufficient evidence to show that the father bore it, inasmuch as the brothers of John, as well as himself, were called by the name; and yet it is certain that John married Alice, the daughter of John de Odyngseles, who died in 27 Edward III., in possession of "Kavendych maner."[2] There is further proof that *before that date* John de Cavendish appears in the Year Books as early as 21 Edward III., and is so described as a justice of labourers' wages for Suffolk and Essex in the twenty-sixth year.[3] Independently, therefore, that a residence in the parish would have been sufficient for the adoption of the name, it is not improbable that both of these interpretations may be partially true, for there no doubt was more than one manor in or near that parish distinguished by different additions, and belonging to different families.

Dugdale first mentions John de Cavendish by introducing him in his Chronica Series as chief justice of the King's Bench so early as 39 Edward III., 1365, referring to the Liberate Roll of that year; and this he repeats in his Baronage. We are, however, convinced that the assertion is founded on mistake, for Dugdale, six years afterwards, gives a patent appointing him a puisne judge of the Common Pleas on November 27, 1371, 45 Edward III.; besides showing that Sir Henry Green was chief justice till October 29, 1365, on

[1] See Vol. II. 349.
[2] Cal. Inquis. p. m., ii. 182.
[3] Rot. Parl. ii. 455.

which day he was succeeded by Sir John Knyvet, who kept the place till he was made chancellor; when Cavendish is again inserted in the list as raised to the chief justiceship of the King's Bench on July 15, 1372, 46 Edward III.[1] Lord Campbell has adopted Dugdale's earlier, without the slightest allusion to the later date, or noticing the Common Pleas patent in the interval. Real inquirers will be disappointed by the omission, as the subject clearly demands some explanation; and his lordship may be perhaps inclined to adopt our view, when he takes the following circumstances into consideration. In the first place, he has himself already shown that Knyvet remained chief justice till entrusted with the Great Seal on July 5, 1372.[2] Next, by reference to the Year Books, he will find that Cavendish acted as an advocate as late as 45 Edward III.; that his name is included in the list of serjeants at the end of 40 Edward III.; and that in the same and the following years he was joined in the commissions as a judge of assize; his salary for which of 20*l.* a year was paid as late as 44 Edward III.[3] And, lastly, he will see that fines were levied before him as a judge of the Common Pleas at the commencement of 46 Edward III., in the term next after his appointment to that court.[4] It seems to us, therefore, unquestionable that Cavendish did not ascend the bench at Westminster till November 27, 1371; that he then was appointed a puisne judge in the Common Pleas; and that it was not till the removal of Sir John Knyvet to the Chancery that his elevation to the chief seat in the King's Bench took place. He was a tryer of petitions

[1] My conviction has been in a great measure confirmed, by an inspection of the Liberate Roll of 39 Edward III., which Mr. Thomas Duffus Hardy has had the kindness to make. On that Roll the name of Cavendish does not appear, and the only chief justice of the King's Bench there mentioned is Henry Grene. See also Cal. Rot. Pat. 187.

[2] Lives of Chancellors, i. 264.

[3] Devon's Issue Roll, 44 Edw. III., 560.

[4] Dugdale's Orig. 45.

in every parliament from that date, and not before, which he undoubtedly would have been had he been then chief justice as alleged. He continued to fulfil his high duties with great credit till the end of the reign, when he was immediately re-appointed, with the grant of 100 marks per annum, which had been for some years made to his predecessors.

There are no Year Books of the reign of Richard II., but those of the last five years of Edward III. are full of his decisions. He seems to have been a bit of a humorist. A case being heard before him in which a question arose upon a lady's age, her counsel pressed the court to have her before them, and judge by inspection whether she was within age or not. But "Candish, Justice," showing great knowledge of female character, says, "Il n' ad nul home en Engleterre que puy adjudge a droit deins age ou de plein age; car ascun femes que sont de age de XXX ans voilent apperer d'age de XVIII ans."[1]

The chief justice met with an untimely end. The insurrection of Wat Tyler in 1381 extended itself from Kent over various parts of England. In the county of Suffolk the rebels assembled to the number of 50,000, destroying the property and ill treating the persons of all who would not join them. The principal objects of their vengeance seemed to be all those who had any sort of learning. They attacked Sir John Cavendish's house, and plundered and burned it; and having unfortunately got hold of the venerable man, they dragged him into the market-place of Bury St. Edmunds, and there, after a mock trial, ruthlessly beheaded him and insulted his remains. It is asserted by some that they were the more incensed against him because his son, John Cavendish, was the king's squire who had assisted William of Walworth in killing Wat Tyler. But this can scarcely

[1] Year Book, 50 Edw. III., fo. 6, pl. 12.

have been so; for, independently of Standishe, and not Cavendish, being the name given by most historians to this royal squire, it appears quite clear that the death of Wat Tyler in London, and the murder of the chief justice in Suffolk, occurred on the same day, viz. June 15.[1] The rebels, after committing the greatest excesses in that and the neighbouring county of Norfolk, were defeated by the warlike Bishop of Norwich, who proved to them that prowess in arms was not inconsistent with the learning they despised.

Thus perished this amiable judge after gracing the judicial bench for ten years; without an imputation of having perverted the course of justice, or of deviating from the path of rectitude and integrity, to justify or to palliate the brutal fate which overtook him. Shortly before his murder, he was honoured by being elected chancellor of the University of Cambridge.

In the inquisition on his death, his possessions are described as "Overhalle in the manor of Cavendishe; Cavendishe Villa, a messuage of land, and the advowson of the church; and the manor of Fakingham Aspes, Suffolk:"[2] so that he does not appear to have taken advantage of his office unduly to accumulate riches.

By his wife Alice, who died before him, he left two sons, Andrew and John; but though the former is described in his will as his heir[3], the property ultimately came into possession of the son of the latter; one of whose descendants, William, became the biographer of Cardinal Wolsey, to whom he was gentleman usher. He was afterwards admitted into the service of the king, by whom his fortunes were greatly enriched by various profitable offices and valuable grants of lands belonging to the dissolved abbeys and priories. One of his sons, William, was ennobled by James I. with the title

[1] Holinshed, ii. 744.
[2] Cal. Inquis. p. m., iii. 36.
[3] Testum. Vetusta, i. 110.

of Baron Cavendish of Hardwicke, on May 4, 1604, to which that of Earl of Devonshire was added on August 7, 1618. The fourth earl was created Duke of Devonshire on May 12, 1694; and every duke from that time to the present has received the order of the garter.

Another son of Wolsey's biographer, named Charles, was father of Sir William Cavendish, who was raised to the peerage by being created Viscount Mansfield in 1620, to which were successively added in 1628, 1643, and 1664, the Earldom, Marquisate, and Dukedom of Newcastle; all of which titles became extinct in 1691, by the death of his son without issue male.

The present Earl of Burlington is the grandson of the fourth Duke of Devonshire; that title having been granted to his father September 10, 1831.

CHARLETON, ROBERT DE.

Ch. C. P. 1388.

We are at a loss to state with certainty to what branch of the family of Charleton, of Shropshire, Robert de Charleton belongs, for we have as yet seen no entries which enable us distinctly to trace his lineage. Indeed, with the exception of a grant from him and others, to the Convent of Malmesbury, in 10 Richard II., of two messuages in St. Andrew, Holborn [1], we find no particulars concerning him till he was raised to the office of chief justice of the court of Common Pleas, on the removal and impeachment of Robert de Bealknap. His appointment is dated January 30, 1388, 11 Richard II., and the fines levied before him extend to Midsummer, 1394, 18 Rich. II. As his attendance in parliament is not noticed at a later period, he probably died between that date and January 15, 1396, when William Thirning was constituted

[1] Cal. Inquis. p. m., iii. 91.

his successor. He received the order of knighthood, as a banneret, at Windsor, on the St. George's day following his elevation to the bench.[1] Some of his decisions are to be found in Richard Bellewe's Reports.

CLOPTON, WALTER DE.

CH. K. B. 1388.

See under the Reign of Henry IV.

CORNWALL, ARCHDEACON OF. *See* R. DE BRAYBROKE.

COURTENEYE, WILLIAM DE, BISHOP OF HEREFORD, AND OF LONDON; ARCHBISHOP OF CANTERBURY.

CHANCELLOR, 1381.

WILLIAM DE COURTENEYE was the grandson of Hugh de Courteneye, Earl of Devon, whom we mentioned in the last reign as a justice itinerant. His father, Hugh, the second earl of that name, died in 1377, and his mother was Margaret, the daughter of Humphrey de Bohun, Earl of Hereford, by Elizabeth, a daughter of Edward I. William was the fourth son, and was born at Exminster, near Exeter, about the year 1327. He pursued his studies at Oxford, where he took the degree of Doctor of Civil Law, and was afterwards chancellor of that university. Educated for the priesthood, his connections soon procured him many rich benefices, among which were prebends in the three cathedrals of Exeter, Wells, and York.

From the last, he was elevated to the bishoprick of Hereford, by papal provision, on August 17, 1369; and after presiding over that see for nearly six years, he was translated to London, on Simon de Sudbury being removed to Canterbury.

Among the favourers of Wickliffe, whose opinions at this time gained so much ground as to alarm the Church, was John of Gaunt, Duke of Lancaster; and when, towards the

[1] Dugdale's Orig. 46. 103.

end of Edward's reign, Bishop Courteneye, in obedience to the pope's mandate, summoned the reformer to be examined, the duke attended him to St. Paul's church, where the meeting was held. There some violent words passed between the duke and the bishop, which ended in an unseemly threat on the part of the former. The assembled people, who as yet cared little for the religious question, fancying their bishop in danger, prepared to defend him, and by their clamours compelled the duke, who was no favourite with them, to retire. The populace outside, excited by other reports to his disadvantage, joined in the outcry; and the ferment was not appeased till they had broken open the Marshalsea prison, ransacked the duke's house in the Savoy, and contemptuously dragged his arms through the streets.

On Edward's death, which occurred soon after, it was not likely that the council of the young king, the Duke of Lancaster being at its head, would allow the prosecution against Wickliffe to proceed. His doctrine, accordingly, spread widely through the kingdom; and though he died at his living of Lutterworth in 1384, his followers, under the name of Lollards, rapidly increased.

In the mean time, the murder of Archbishop Sudbury occurred on June 14, 1381. He had delivered up the Great Seal two days before to the king, by whom it was placed in the hands of temporary keepers till August 10, when he appointed Bishop Courteneye Chancellor of England.[1] The bishop, also, on the 5th of the same month, received the king's assent to his election as Archbishop of Canterbury; the temporalities of which, however, were not restored to him till October 23. Thus was he a third time appointed the successor of Sudbury, following him as Bishop of London, Archbishop of Canterbury, and Chancellor of England: and

[1] Rot. Claus. 5 Rich. II., m. 25.

it would appear that the Duke of Lancaster no longer felt any animosity against him, inasmuch as he was present when the archbishop received the Seal from the king. This fact makes it difficult to account for Courteneye's retaining it little more than three months. He may, however, have consented to take the office till the return of the duke's favourite, Sir Richard le Scrope, who perhaps was then abroad; as that celebrated knight, four days after the archbishop's resignation on November 30, 1381, was replaced in his office of chancellor.[1]

During the remainder of the archbishop's life, a period of nearly fifteen years, he was engaged in various contests with his bishops as to the right of visitation, in all of which he was triumphant: but the demand which he made on his clergy, of a sixtieth part of their revenues, being resisted by the Bishop of London, was carried by appeal to the Court of Rome, where it was not decided while he lived.

He died at his palace at Maidstone, on July 31, 1396, and was buried in the church there, in compliance with his testamentary injunctions, which declared that he did not think himself worthy of a resting-place in his cathedral church. There, however, a monument was erected to his memory. Besides contributing largely to the erection of the nave of that cathedral, he gave to it various rich presents.

Walsingham declares, that he was dignified with a cardinal's hat; but the doubts of others seem to be supported, by the absence of all notice of the fact in the epitaph inscribed on his grave-stone in Maidstone church. This edifice he had entirely rebuilt, and had restored the church of Mepham; besides many liberal donations, among others to the church of Exminster, his native town.

He is represented as having a noble presence and courtly

[1] Rot. Claus. 5 Rich. II., m. 27.

manners; with the learning fit for his position, a clear and acute understanding; and, what speaks more in his praise, he was a favourite with the monks of his cathedral.[1]

DIGHTON, WILLIAM DE.

KEEPER, 1382.

WE have not discovered to what family William de Dighton belongs. In 32 Edward III. he and Robert de Dighton had the royal licence to purchase certain lands and tenements at Harewood, in Yorkshire[2]; and in 48 Edward III., when he had letters of protection granted to him to accompany the Duke of Britanny abroad, he is called clericus, and is described as "alias dictus Willielmus Marmoyn." In the previous year, his name, as Canon of St. Paul's, London, is attached to the treaty with the king of Portugal.[3]

He was made keeper of the Privy Seal in the early part of the reign of Richard II.; and when the king dismissed Richard le Scrope from his second chancellorship, on July 11, 1382, Dighton was joined with Hugh de Segrave and John de Waltham in the custody of the Great Seal, until a new chancellor was appointed. Walter de Skirlawe was made keeper of the Privy Seal, in the place of William de Dighton, on August 8, and was then added to this commission. They held the Seal for ten weeks, when Robert de Braybroke, Bishop of London, was sworn in on September 20.[4]

William de Dighton is not mentioned later than the ninth year of the reign. He is then noticed as present at Windsor in connection with the affairs of Portugal, and is still called Canon of St. Paul's.[5]

[1] Godwin de Præsul. 120. 186.; Weever, 225. 285.; Prince's Worthies.
[2] Abbrev. Rot. Orig. ii. 250.
[3] N. Fœdera, iii. 985. 1010.
[4] Rot. Claus. 6 Rich. II., p. 1. m. 24. *a*.
[5] Rymer, vii. 520.

DOUBRIDGE, or DOUNEBRIGGE, WILLIAM.

B. E. 1389.

DUGDALE inserts William Doubridge as appointed a baron of the Exchequer on May 12, 1389, 12 Richard II. There is another patent to him of the same office in the preceding year, in which he is called Dounebrigge, his name being also so given on the Issue Rolls of 6 and 11 Richard II. In these he is described as auditor of the Exchequer, and he is paid 6*s.* 8*d.* a day for going to Lostwithiel, in Cornwall, to audit the accounts of that county and Devon. How long he survived his elevation to the office of baron does not precisely appear; but it seems probable that Ralph de Selby succeeded him in 17 Richard II.[1]

DRAYTON, NICHOLAS DE.

B. E. 1377.

See under the Reign of Edward III.

THERE was a clerk in the Chancery in the first half of the reign of Edward III., who was sometimes called de Brayton, and sometimes de Drayton, to whom the Great Seal was occasionally entrusted in the absence of the chancellor.[2] It is not improbable that he was the father or uncle of this Nicholas de Drayton, who was an ecclesiastic, and is scarcely ever noticed but with the title Magister prefixed to his name. On December 1, 1363, he was appointed custos of the scholars supported by the royal bounty at the Aula Regis in Cambridge, with a grant of four pence a day for his salary, and eight marks a year for two robes; one "cum pellura," and the other "cum linura."[3]

A few years afterwards we find him a disciple of John

[1] Dugdale's Chron. Series; Cal. Rot. Pat. 115. 117.; Devon's Issues Exch. 223. 235.

[2] See antè, Vol. III. p. 402.

[3] N. Fœdera, iii. 717.

Wickliffe, if he be (and there seems nothing to contradict his being) the Nicholas de Drayton against whom the greater excommunication was fulminated by Sudbury, Bishop of London, for promulgating among the people errors against the articles of the Catholic faith; and whom the king on March 20, 1370, authorised that prelate to incarcerate until he renounced his heresies.[1] How he purged himself does not appear; but it is by no means surprising that he should have been raised to the bench of the Exchequer on November 14, 1376, 50 Edward III., and been continued there in the following June, on the accession of Richard II.[2], since the authority of John of Gaunt, Duke of Lancaster, who partook of the same opinions, was paramount at both these dates. We cannot find how long he remained on the bench.

DURHAM, BISHOP OF. *See* W. SKIRLAWE.

ELY, BISHOP OF. *See* T. DE ARUNDEL.

EXETER, BISHOP OF. *See* E. DE STAFFORD.

FITZ-ALAN, THOMAS. *See* T. DE ARUNDEL.

FORD, WILLIAM.

B. E. 1384.

See under the Reign of Henry IV.

FULTHORPE, ROGER DE.

JUST. C. P. 1377.

See under the Reign of Edward III.

ROGER DE FULTHORPE was of a Yorkshire family, settled at Thirkelby, near Thirsk. He began his career as an advocate about 34 Edward III., 1366, and was made a king's serjeant in the thirty-ninth year. In that capacity he was joined in the commissions to hold assizes in the country from

[1] N. Fœdera. 889.

[2] Dugdale's Chron. Series.

42 Edward III., receiving the usual salary of 20*l.* a year for the duty.[1] In 47 Edward III. he was one of the three commissioners assigned to hear and determine the dispute between Henry Lord Percy and William Douglas respecting the custody of the marches of the kingdom of England near Scotland.[2] His elevation to the bench of the Common Pleas took place in the following year on November 28, 1374; and having been re-appointed to the same court on the commencement of the new reign, he was knighted in 1385[3], and fines were continued to be levied before him till Midsummer, 1387, 11 Richard II.[4]

In the following August he was summoned to the council at Nottingham with the other judges, where, according to his own plea, he was compelled by the menaces of the Archbishop of York, the Duke of Ireland, the Earl of Suffolk, and Sir Robert Tresilian, to put his seal to the questions and answers already prepared by the latter, declaring the ordinance of the last parliament appointing eleven commissioners for the regulation of the kingdom to be illegal, and denouncing the promoters of it to be guilty of high treason. He and his colleagues were impeached for this act in the next parliament; and notwithstanding the above excuse, which they all equally urged, sentence of death was pronounced against them, which, however, was eventually commuted to banishment to Ireland for life, with forfeiture of all their property. Sir Robert was confined to the city of Dublin, and three miles round it; and he had an allowance of 40*l.* a year.[5]

It is somewhat surprising that the same measure of severity should be meted to him as to his colleagues; since it appears by his plea that he immediately communicated the act he

[1] Issue Roll, 44 Edw. III., 361.
[2] Devon's Issues Exch. 195.
[3] Leland's Collect. 185.
[4] Dugdale's Orig. 45.
[5] Rot. Parl. iii. 223. 238—244.

had done under fear of his life to the Earl of Kent: so that it was through his means that the lords, who were likely to be endangered by this extra-judicial opinion, had the earliest opportunity of securing themselves against the consequences. It was perhaps, however, on this account, that in the same year an allowance of 40*l.* per annum was made to his son William out of the forfeited estates during his father's life[1]; and that two years afterwards many of his father's manors and lands were granted to him on a fine of 1000 marks.[2]

It would seem that Fulthorpe died in his exile (probably in 16 Richard II., 1392[3]); for his name was not included among those who in the twentieth year were recalled from Ireland; although he was mentioned in the proceedings of the next parliament, which reversed the judgment against the judges, and decreed the restoration of their lands to such as were living and to the heirs of those who were dead.[4] Though the benefit of this reversal was lost by its repeal in the first year of Henry IV., the judge's forfeited lands were ultimately restored to his family, on the petition of his son William alleging all these facts in excuse for his father. This petition is introduced among those which are classed under the title "de annis incertis Hen. VI.;"[5] but it appears more probable that it belonged to one of the two preceding reigns, as there seems no reason why the remission of Sir Robert's sentence should have been delayed beyond that of his colleagues.

By his wife Sibella, Sir Roger had the above-mentioned William, who was the father of Thomas de Fulthorpe, a judge of the Common Pleas in the reign of Henry VI.[6]

[1] Rot. Pat. iii. 245.
[2] Cal. Rot. Pat. 219.
[3] Cal. Inquis. p. m., iii. 151.
[4] Rot. Parl. iii. 346. 358.
[5] Ibid. v. 393.
[6] Cal. Inquis. p. m., iv. 343. 388. 464.

GUNTHORP, WILLIAM.

B. E. 1377.

See under the Reign of Edward III.

IT is probable that as William Gunthorp is described as "clericus," he held some office in the Treasury or Exchequer, before he received the responsible appointment of Treasurer of Calais, on March 20, 1368, 42 Edward III. This place he held for five years and a half, his successor, John de Romesey, superseding him on October 26, 1373, 47 Edward III.[1] In the same year he was made a baron of the Exchequer, although Dugdale does not insert his name till 1377, the last year of that reign.

On the constitution of the court at the accession of Richard II., Gunthorp was placed as second baron. The latest mention we find of him in that character is in 9 Richard II., when he was one of the receivers of a subsidy granted by parliament.[2] Laurence de Allerthorpe is named as second baron in the twelfth year[3]; but up to 18 Richard II. William Gunthorp is recorded as granting lands to the chantry of the church of St. Wolstan, in Grantham, Lincolnshire, and to the chapter of St. Mary, Southwell, in Nottinghamshire.[4]

HANKFORD, WILLIAM DE.

JUST. C. P. 1398.

See under the Reign of Henry IV.

HANNEMERE, DAVID.

JUST. K. B. 1383.

DAVID HANNEMERE was the grandson of Sir John Mackfel, constable of Carnarvon Castle in the reign of Edward I., who assumed the name of Hannemere from the town so

[1] N. Fœdera, iii. 844. 992.
[2] Rot. Parl. iii. 204.
[3] Dugdale's Chron. Ser.
[4] Cal. Inquis. p. m., iii. 162. 187.

called, in Flintshire, which belonged to him. Philip, the youngest of his three sons, was ultimately his sole heir, and by his wife Agnes, daughter and heir of David ap Rice ap Evans ap Jones, had several children, of whom the subject of the present sketch was the elder.

David Hannemere's name appears as an advocate in the Year Books from 45 Edward III., and he must have been called to the degree of a serjeant-at-law before 49 Edward III., 1375, as in that year he acted as a judge of assize. On the accession of Richard II. he was appointed one of the king's serjeants, and "narrator" in all the courts[1]; and in the sixth year of that reign he was constituted a judge of the King's Bench; his patent bearing date February 26, 1383. From that time till the parliament of October, 1386, 10 Richard II., he was among the triers of petitions.[2] As his successor in the King's Bench was named in the following year, he probably died in the interval.

By his wife Angharad, daughter of Lhyvelin Dhu ap Griffith ap Jorworth Voell, he had, besides a daughter Margaret who married the renowned Owen Glyndowr, two sons, Griffith and Jenkin, from the latter of whom sprang a long succession of knightly descendants. Two of these were created baronets. The first was John, who was honoured with that dignity on July 8, 1620; but his direct line terminated on May 5, 1746, by the death, without issue, of Sir Thomas Hanmer, who was speaker of the House of Commons in the reign of Queen Anne, and was even more distinguished by his elegant and correct edition of the works of Shakespeare. The second baronetcy was granted on May 3, 1774, to Walden Hanmer, Esquire, a cousin on whom the estate had devolved, by whose great-grandson the title is now enjoyed.[3]

[1] Cal. Rot. Pat. 197. [2] Rot. Parl. iii. 151. 216.

[3] Wotton's Baronetage, i. 411.; Burke's Peerage and Baronetage.

HEREFORD, BISHOP OF. *See* W. DE COURTENEYE.

HILL, or HULL, JOHN.

JUST. K. B. 1389.

See under the Reign of Henry IV.

HOLT, JOHN.

JUST. C. P. 1383.

THE native county of John Holt was Northamptonshire, where he had considerable property.[1] His name appears in the Year Books from 40 Edward III., in the last year of whose reign he was made a king's serjeant. His elevation to the bench as a judge of the Common Pleas took place in 7 Richard II., 1383[2], in Trinity Term of which year fines began to be levied before him.[3] In the following Christmas he received the honour of knighthood as a banneret, and Dugdale details the materials granted for his robes on that occasion.[4]

He was one of those who obeyed the summons of the king to attend him at Nottingham, where, on August 25, 1387, he united with his colleagues in answering the questions placed before them by the king's confederated courtiers, pronouncing the proceedings of the last parliament, by which a permanent council was appointed, to be illegal, and its promoters punishable with death. For this act he was arrested, while sitting on the bench, on February 3 following; and on his trial on March 2, alleged that he was compelled by the threats of the Archbishop of York, the Duke of Ireland, and the Earl of Suffolk, to do so, and that he complied through fear of his life. The parliament, notwithstanding, found him guilty; and he only escaped the sentence

[1] Abbrev. Rot. Orig. ii. 240.; Cal. Inquis. p. m., ii. 196., iii. 69.
[2] Cal. Rot. Pat. 208. [3] Dugdale's Orig. 46. [4] Ibid. 103.

of death that was pronounced, by the intercession of the prelates, who succeeded in getting it commuted to banishment for life. To Sir John Holt was assigned the town of Drogheda and a circuit of two miles around it; with an allowance from the state of forty marks for his support.[1]

Three years afterwards the king granted several of his manors to his son John[2]; and in the parliament of January, 1397, 20 Richard II., so much of the sentence as regarded his banishment was remitted, and he was allowed to return to England. In the following year the whole of the judgment was reversed, and his lands ordered to be restored. Richard's deposition unfortunately deprived the judge of the benefit of this reversal; but Henry IV., on his petition in the second year of the reign, directed that he should have again all his lands and tenements which were in the king's possession. This, however, turning out to be nearly a nullity, inasmuch as many of them had been alienated by King Richard, another ordinance was made in 4 Henry IV., by which he was allowed to resume possession on making such allowances to the purchasers as the council should deem reasonable.[3]

That he was successful in recovering them would appear from the extent of property in Northamptonshire and other counties, contained in the inquisition taken on his death in 6 Henry V., 1418. By his wife Alice he left another son named Hugh, who succeeded him.[4]

HOUGHTON, ADAM DE, Bishop of St. David's.

Chancellor, 1377.

See under the Reign of Edward III.

It is not unlikely that Adam de Houghton, or Houton, was the son of John de Houton, first chamberlain and then

[1] Rot. Parl. iii. 233. 238—244.
[2] Cal. Rot. Pat. 221.
[3] Rot. Parl. iii. 346. 358. 461. 491.
[4] Cal. Inquis. p. m., iv. 37. 52.

baron of the Exchequer. He was educated at Oxford, where he took the degree of Doctor in the Faculty of Laws, and adopted the clerical profession. His father's influence probably introduced him to some office in the court; his connection with which is apparent by his being a witness on October 2, 1360, 34 Edward III., to the obligation entered into by Reynald of Albigny, captured at the battle of Poictiers, to return to prison at the expiration of the term of conditional liberty granted to him. He was soon afterwards appointed one of the commissioners to receive possession of the counties and cities which the king of France had agreed to give up by treaty.[1]

On September 20, 1361, he was by papal provision placed in the see of St. David's; and was evidently looked upon as an active coadjutor to the court, as he was named one of the triers of petitions in every subsequent parliament[2] till he was made chancellor in the room of Sir John Knyvet. This occurred on January 11, 1377, 50 Edward III.[3]; and in the following April he was at the head of the commissioners to negotiate a peace with France. For this purpose he proceeded to Calais, and was still there at the time of King Edward's death on June 21, 1377. On his immediate return to England he was re-sworn into his office five days afterwards.[4] He then resided in Fleet Street.

His chancellorship, which lasted only till October 29 in the following year[5], was remarkable for nothing but the resumption of biblical texts into his addresses to the parliament; a practice which had been discontinued by William of Wykeham and his successors in the office. Among other somewhat ludicrous applications, he commenced one of his orations with the passage of St. Paul, — "Ye suffer fools

[1] N. Fœdera, iii. 511. 679.
[2] Rot. Parl. ii. 275—321.
[3] Rot. Claus. 50 Edw. III., p. 2. m. 7.
[4] Ibid. 1 Rich. II., m. 46.
[5] Ibid. 2 Rich. II., m. 23.

gladly, seeing that ye yourselves are wise;" adding to the assembly, "and as ye are wise, and I am foolish, I presume you desire to hear me."[1]

In the parliaments of 7 and 8 Richard II. he again acted as a trier of petitions[2]; and died about four years afterwards in April, 1389. For the chapter of St. David's he procured the advantage of a grant of the custody of the diocese during any vacancy[3]; and he built a college near the cathedral.[4]

HULL, JOHN. *See* HILL.

HULSE, HUGH.

JUST. K. B. 1389.

See under the Reign of Henry IV.

INGELBY, THOMAS DE.

? JUST. K. B. 1377.

See under the Reign of Edward III.

THE fortunes of this family were founded by Thomas de Ingelby, who was settled at Ripley, in Yorkshire. He was brought up to the law; and his name begins to be mentioned as an advocate in the Year Book of 21 Edward III., 1347, and as a judge of assize in the twenty-fifth year. His appointment as a judge of the King's Bench took place on September 30, 1361, 35 Edward III.; and he retained his seat in that court for the sixteen remaining years of the reign, being, during most of them, the only judge there in addition to the chief justice. He received an extra grant of 40*l.* a year beyond his stated judicial salary of forty marks; and, besides this, he had a fee of 20*l.* annually for holding assizes in different counties.[5]

[1] Rot. Parl. ii. 361.
N. Fœdera, iii. 1077.
Issue Roll, 44 Edw. III., 353.

[2] Ibid. iii. 151. 185.

[4] Godwin de Præsul. 581.

On the accession of Richard II. Dugdale removes him to the Court of Common Pleas; but we are inclined to think that he continued in the King's Bench, as no new judge was appointed there till towards the end of the first year. About that time he either retired or died; his attendance in parliament, which had been regular for the previous fourteen years, not extending beyond the first parliament of the new king, which met at Michaelmas, 1377.[1]

His tomb still remains in Ripley church. By his wife Catherine Ripley he left several children, from whom descended Sir Charles Ingleby, the baron of the Exchequer in the reign of James II. Another of his descendants, Sir William Ingleby of Ripley, was created a baronet in 1642; and the title becoming extinct in 1772, was renewed in the illegitimate son of the last baronet in 1781; by whose son, who spells his name Ingilby, it is now held, together with that granted in 1796, with a special remainder in his favour, to his maternal grandfather, Sir Wharton Amcotts of Kettlethorpe Park, Lincolnshire.[2]

KARLEOL, WILLIAM DE.

? CH. B. E. 1383.

DUGDALE states that William de Karleol succeeded Robert de Plesyngton as chief baron on June 27, 1383, 7 Richard II., and that he made way for his predecessor three years afterwards on August 8, 1386.[3] It turns out, however, that Plesyngton continued in office during the whole of the period, and that Dugdale, by mistake, has transferred into England the chief baron of Ireland. The name in the patent is spelled Karlell[4]; and it appears that he was second

[1] Rot. Parl. iii. 4.
[2] Dugdale; Wotton's Baronet. ii. 293.; Burke's Ext. Baronet. 276.
[3] Dugdale's Chron. Series.
[4] Rot. Pat. 7 Rich. II., p. 1. m. 41.

baron of the Irish Exchequer in 1371, 45 Edward III.; and that he received 20*l.* in 1374 for some extra services there. He was succeeded by Richard Rede as chief baron of Ireland in 1399.[1]

KIRKETON, ROGER DE.

C. P. 1377.

See under the Reign of Edward III.

ALTHOUGH Dugdale has introduced Roger de Kirketon among the justices of the Common Pleas in 39 Edward III. on the authority of a Liberate for the payment, no doubt, of his salary, there can be little question that this is a mistake, and that he was only made one of the king's serjeants in that year, and was not raised to the bench till the early part of 46 Edward III., 1372. His arguments as an advocate extend from 28 to 45 Edward III., in the Year Books, in which he is named as serjeant in the fortieth year; and he is noticed also as a justice of assize in that and the several following years till 46 Edward III. He is then for the first time introduced as a regular judge. The fines acknowledged before him commence in February in the latter year; and his employment in parliament as a trier of petitions (the customary occupation of a judge) does not begin till 47 Edward III.

He continued on the bench during the remainder of that reign, and was re-appointed at the commencement of the following. His name on the fines does not occur beyond July, 1380, 4 Richard II.; but he lived till the ninth year of that reign.

He was of a Lincolnshire origin, and had property in the place from which he was called in that county. We find no clue by which to connect him as a relative with Thomas or

[1] Smyth's Law Officers of Ireland, 136. 146. He is omitted among the chief barons in that work.

John de Kirketon, both of whom were summoned to parliament by Edward III.; but I have stated, under my account of Roger de Meres, some circumstances which raise a suspicion that he and Roger de Kirketon were really one person.[1]

LICHFIELD AND COVENTRY, BISHOP OF. *See* W. SKIRLAWE.

LINCOLN, ARCHDEACONS OF. *See* W. OF WYKEHAM; R. DE RAVENSER; J. SCARLE.

LINCOLN, TREASURER OF. *See* W. SKIRLAWE.

LOKTON, JOHN DE.

JUST. K. B. 1387.

THE township of Lokton in Yorkshire gave its name to John de Lokton, who had property at Malton in its neighbourhood. He was probably the son of Thomas de Lokton and Beatrice his wife, who purchased half of the manor of Canewyk in Lincolnshire in 24 Edward III., and sold it in the same year.[2] His name appears as an advocate in several of the cases of the reign of Richard II. collected by Richard Bellewe; and he is described as a king's serjeant in 7 Richard II., 1384, assisting at the trial of John Cavendish for defaming the chancellor, Michael de la Pole.[3] In the same character he subscribed the questions and answers prepared by Chief Justice Tresilian, at Nottingham, on August 25, 1387, 11 Richard II., for which he, with Sir Robert Bealknap and other judges, was afterwards impeached and condemned to death. As no other of the king's serjeants was then present, he was no doubt summoned to that council in consequence of his being designed as the successor

[1] See Vol. III. p. 463.; Dugdale's Orig. 45.; Rot. Parl. ii. 317—363.; Cal. Inquis. p. m., 331., iii. 75.

[2] Abbrev. Rot. Orig. ii. 213. 215.

[3] Rot. Parl. iii. 196.

of David Hannemere, the judge of the King's Bench, then recently deceased; since his appointment took place two months afterwards, on October 25.

On his trial on March 2, 1388, having pleaded, like the rest, that he acted under compulsion, his sentence was commuted into banishment for life; Waterford, with a circuit of two miles round it, being fixed for his residence, and 20*l.* per annum assigned for his support. It would appear that he died in exile; but his property was ultimately restored to the family.[1]

LONDON, BISHOPS OF. *See* S. DE SUDBURY, W. DE COURTENEYE, R. DE BRAYBROKE.

MARKHAM, JOHN.

JUST. C. P. 1396.

See under the Reign of Henry IV.

NEWENHAM, THOMAS DE.

? KEEPER, 1386.

See under the Reign of Edward III.

THERE were two Newenhams who held office about the same time in the reign of Edward III., being probably brothers. The one was John de Newenham, who was chamberlain of the Exchequer[2]; and the other, Thomas de Newenham, who was one of the senior clerks in the Chancery. The latter is mentioned in this character from 45 Edw. III., 1371, to 15 Richard II., 1391, during the whole of which period his name appears on the parliament Rolls as a receiver of petitions.[3] On two occasions he was appointed with the master of the Rolls and Richard de Ravenser to hold the Great Seal during the absence, first, of Chancellor Adam de

[1] Rot. Parl. 233—244. 442.; Cal. Inquis. p. m., iii. 107. 162.; Chron. Series.
[2] Issue Roll, 44 Edw. III., i. 255. [3] Rot. Parl. ii. 303.,—iii. 284.

Houghton, from May 4 to June 21, 1377 [1]; and secondly, of Chancellor Michael de la Pole, from Feb. 9 to March 28, 1386.[2]

NORTHAMPTON, ARCHDEACONS OF. *See* W. OF WYKEHAM, W. SKIRLAWE.

PENROS, JOHN.

JUST. ? K. B. or C. P. 1391.

JOHN PENROS was of a Cornish family. He is mentioned as a counsel in the Reports of this reign collected by Richard Bellewe; and was raised to the office of a judge of the King's Bench in Ireland on February 27, 1385, 8 Richard II.[3] From this position he was removed to the English bench on January 15, 1391, in the fourteenth year; but to which of the two courts seems uncertain. Although Dugdale places him in the Common Pleas, the words in the patent seem to us to express the King's Bench [4]; and no fines appear, from Dugdale's account, to have been levied before him. In the following year he was made justice of South Wales; and the last time we find him mentioned is as a trier of petitions in the parliament of 17 Richard II.[5]

PERCEHAY, HENRY DE.

B. E. 1377. JUST. C. P. 1377.

See under the Reign of Edward III.

THE name is spelled Percehay in every instance in Dugdale's Chronica Series; but in the Rolls of parliament, and sometimes in the Year Book, it is written Percy. He may have been a younger branch of that noble house; but was probably the son of William and Isabella Percehay, the pos-

[1] Rot. Claus. 51 Edw. III., m. 7. [2] Ibid. 9 Rich. II., m. 12.

[3] Cal. Rot. Pat. 211. Smyth (Law Officers of Ireland, 81.) calls him chief justice.

[4] Cal. Rot. Pat. 221. [5] Ibid. 223.; Rot. Parl. iii. 310.

sessors of Lewesham and other manors in Yorkshire and Lincolnshire.[1] From 39 Edward III. he received a fee as one of the king's serjeants, after which he was occasionally employed as a justice of assize. He was raised to the bench at Westminster on October 5, 1375, 49 Edward III., being then constituted a baron of the Exchequer, in which office he remained during the rest of that, and the first five months of the following, reign. He was then, on November 26, 1377, removed to the Court of Common Pleas, in which fines are recorded as levied before him till Midsummer, 1380, 4 Richard II.[2]

PLESYNGTON, ROBERT DE.

CH. B. E. 1380.

IT is to be regretted that so little remains of the history of Robert de Plesyngton, as he evidently mixed much in the politics of his day. His name is that of a township in the parish of Blackburn, in Lancashire, which was probably his native place. In 50 Edward III., 1376, he was appointed one of the custodes of certain property in the town of Lancaster, and of several manors in the neighbourhood.[3] At this time he no doubt held an office in the Court of Exchequer; to the head of which he was advanced four years afterwards, being constituted chief baron on December 6, 1380.[4]

Dugdale has fallen into an error, in his Chronica Series, by removing Plesyngton from his seat on the bench on June 27, 1383; but William de Karleol, whom the learned author names as his successor, was appointed chief baron, not of the English, but the Irish Exchequer: and the Liberate Rolls show that Robert de Plesyngton continued in office without interruption till the tenth year of the reign. The Close

[1] Cal. Inquis. p. m., ii. 180., iii. 68.
[2] Orig. Jurid. 45.
[3] Abbrev. Rot. Orig. ii. 341.
[4] Dugdale's Chron. Series.

Roll to which Dugdale refers, in that year, as evidence that he was then re-appointed, is merely the record of his being summoned among the other judges to the parliament which was to meet in November.[1]

It is curious, however, that four months after Robert de Plesyngton's supposed removal, in 7 Richard II., he applied to the parliament to confirm a charter of general pardon, which he alleged that the king had "nadgairs" granted to him; and that the king expressed his willingness to renew the charter, but resisted the interference of parliament with what pertained to his own prerogative.[2] The date of the original pardon is not given, nor are we told on what occasion it was granted; but Dugdale, no doubt, was aware of the entry on the parliament Roll, and probably thought he had found in it a confirmation of the view, as to Plesyngton's removal, which he had mistakenly adopted.

Robert de Plesyngton's actual retirement from his seat in the Exchequer took place on November 5, 1386, 10 Richard II., when John Cary was appointed chief baron. This day was during the sitting of the parliament which impeached the chancellor Michael de la Pole, Earl of Suffolk, and which passed the ordinance constituting commissioners for regulating the government. This ordinance, however, was not dated till a fortnight after Plesyngton's removal, which therefore, there is little doubt, was the act of the king himself. It not improbably arose from a desire to thwart and counteract his uncle, Thomas, Duke of Gloucester, to whose party Plesyngton was strongly attached. The reasons for his removal no where expressly appear; but if they are to be found in the articles against him which are referred to in Appendix II. to the Ninth Report of the Deputy Keeper of the Public

[1] I am indebted to Mr. T. Duffus Hardy's kindness for the verification of these facts from the Rolls themselves.

[2] Rot. Parl. iii. 164.

Records, 1848, p. 244., they are of the most frivolous character, and bear evidence, on the face of them, that they were hurriedly concocted for a temporary purpose. Among other things he is accused of preventing the king from receiving certain fines for marriage to which he was entitled; but as it appears by the charge itself that he did this before the death of the father, it follows that the king could not, in fact, have been entitled to any fine. He is also charged with refusing to hear the apprentices and others of the law, and telling them that they knew not what they said, and did more harm than good to their clients; and that by these rebukes, and "ses ordes et vileynes paroles," the pleaders did not dare to appear before him against sheriffs, escheators, &c., so that the king lost many fines which he would otherwise have received.[1]

It is not likely that any proceedings were taken upon these articles, because, on the passing of the ordinance, the influence of Plesyngton's friend, the Duke of Gloucester, would be paramount; but they were perhaps considered sufficient to prevent his reinstatement in the court at the time. In the parliament of the following year we find Plesyngton acting as the spokesman of the duke and the four other lords appellant, when they exhibited their charges against the Archbishop of York, the Duke of Ireland, the Earl of Suffolk, Sir Robert Tresilian, and Nicholas Brambre; the conviction of whom was quickly followed by that of the judges who had answered the unconstitutional questions propounded to them, among whom was Sir John Cary, the new chief baron. But, even upon the attainder of the latter, Plesyngton was not replaced on the bench of the Exchequer, nor is any explanation to be found why he was then passed over.

He died in 17 Richard II., 1393–4; but the king was so inveterate against all those who were connected with the

[1] Mr. Joseph Burtt, of the Chapter House, has been good enough to favour me with an abstract of these articles.

Duke of Gloucester's proceedings, that, when he resumed his authority in the twenty-first year of his reign, he was not content with punishing the survivors, but he caused those who were dead, and among them Robert de Plesyngton, to be impeached for their share in the supposed treasons. The parliament, being then under his control, of course confirmed his law, and the chief baron's property was declared forfeited to the crown. These unjust sentences, however, were all overturned in the first parliament of Henry IV.[1]: and the possessions of Robert de Plesyngton in Rutland and Yorkshire seem to have descended to the son, of the same name, whom he had by his wife Agnes.[2]

POLE, MICHAEL DE LA, EARL OF SUFFOLK.

CHANCELLOR, 1383.

THE birth-place of Michael de la Pole was probably in the neighbourhood of Kingston-upon-Hull, the residence of his father, William, noticed in the preceding reign as a baron of the Exchequer. His age at the time of his father's death in 1366 may be calculated from the fact, that twenty-seven years before that event he received a grant in reversion of 70*l.* a year out of the customs of the above town, which was absolutely confirmed to him in 27 Edward III., 1353.[3]

There is no account of the education he received, nor any evidence of his pursuing his father's occupation as a merchant. But whatever his early employment might have been, he soon devoted himself to arms. Long before his father's death we find him engaged in the French wars; in 1355 in the retinue of Henry, Duke of Lancaster; and in 1359 accompanying Edward the Black Prince.[4]

Again in 1369, 43 Edward III., after his father's death, he took a distinguished part in the campaign under the

[1] Rot. Parl. iii. 384. 425.
[2] Cal. Inquis. p. m., iii. 176. 305.
[3] Abbrev. Rot. Orig. ii. 229.
[4] N. Fœdera, iii. 443.

command of John of Gaunt, Duke of Lancaster[1]; and his military character was sufficiently established in 50 Edward III. to warrant his appointment as admiral of the king's fleet in the northern seas.[2] This commission was renewed on the accession of Richard II.[3], in the first year of whose reign he again joined the expedition of the Duke of Lancaster. In the following year his talents in diplomacy were tried in two missions,—one to the court of Rome, and the other to treat for a marriage between his royal master and Catherine the daughter of Barnabo, "Lord of Millaine," which came to no successful issue.

Having by this time completely ingratiated himself with the young king, he secured his position near the royal person by being appointed in the parliament of November, 1381, 5 Richard II., one of the council to regulate the household[4]; and in little more than a year he was raised to the highest office in the state; being constituted chancellor of England on March 13, 1383, on the removal of Robert de Braybroke, Bishop of London.[5]

Although he had sat in parliament among the barons from 39 Edward III., he is only styled "Chivaler" in the record of his receiving the Great Seal; and on opening the parliament in the following October he claims to himself no higher rank; making a marked distinction in his address between "vous Mess. Prelats, et Seigneurs Temporel," and "vous *mes compaignons les chivalers* et autres de la noble Cõe d'Engleterre."[6] It seems therefore probable that he had been previously summoned merely as a knight banneret.

In January, 1384, he received a payment of 933*l.* 6*s.* 8*d.* for his expenses in going to the Court of Rome, to the king of the Romans and Bohemia, to treat for the marriage of King

[1] N. Fœdera, iii. 871.
[2] Ibid. 1065.
[3] Rymer, vii. 172.
[4] Rot. Parl. iii. 104.
[5] Rot. Claus. 6 Rich. II., p. 2. m. 12.
[6] Rot. Parl. iii. 149.

Richard with Queen Anne; and for the money paid for her release[1], she having been taken prisoner on her way to England.

Though he presided in the Chancery three years and a half, he soon had reason to regret that he had aimed at so high an elevation. He had been in office little more than a year, when he was impeached by one John Cavendish, a fishmonger, for taking a bribe to favour him in a cause in which he was engaged. It appears that John Otere, a clerk of the chancellor's, had taken an obligation from Cavendish for the payment of 40*l.* to the use of the chancellor, and 4*l.* for himself; and a certain quantity of herrings and sturgeon had been delivered at the chancellor's house on account of the former sum, with some pieces of scarlet cloth to Otere on account of the latter. It turned out, however, and indeed was acknowledged by Cavendish, that the chancellor, as soon as he heard of the delivery of the fish, and of the bargain that had been made, insisted on paying the full price for the former, and on the obligation being destroyed. Notwithstanding this fact, Cavendish had been foolish enough to raise a question whether the chancellor was not cognisant of the transaction from the outset, and whether the anger that he exhibited at the discovery was not pretended for the purpose of avoiding slander and reproach. The consequence was that a commission was appointed to try Cavendish for defamation; and he was condemned to pay 1000 marks as damages to the chancellor, and such further fine to the king as should be imposed on him.[2] Of Otere, who was clearly guilty, we have no further account.

Although de la Pole escaped on this occasion, he was not so fortunate two years afterwards. In the meantime the king's weakness and extravagance had excited great discontent among all classes, and a general cry was raised against the favourites who surrounded him, to whose mismanagement

[1] Devon's Issue Roll, 224.

[2] Rot. Parl. iii. 168—170.

and waste the distress of the people was, probably with some justice, attributed. The honours and more substantial favours which were extravagantly distributed did not tend to allay the public discontent. De la Pole was created Earl of Suffolk on August 6, 1385, 9 Richard II.; and for the support of this title he had a munificent grant of the lands of the last earl, whose family had become extinct.[1]

The jealousy with which these favours were regarded is evidenced by a circumstance that occurred soon after. Henry le Spencer, "the warlike" Bishop of Norwich, had been convicted of some default in a former parliament, and his temporalities seized into the king's hands. The restoration of them was now earnestly and effectually solicited, principally by Thomas Arundel, Bishop of Ely; to whom, on urging the petition, the chancellor said, "What is it, my lord, that you ask of the king? Seems it to you a small matter for him to part with the temporalities, when they yield to his coffers above 1000*l.* a year? Little need has the king of such counsellors to his loss." Whereupon the bishop roundly replied, "What is that you say, my Lord Michael? Know that I desire not of the king that which is his own; but that which, by the counsel of you and such as you, he unjustly detains from other men, and which will never do him any good. If the king's loss weigh with you, why did you greedily accept 1000 marks per annum when you were made an earl?"

The unpopularity of the new-made earl increased so rapidly, that though he opened the next parliament on October 1, 1386, 10 Richard II., as chancellor, the king, under a threat of deposition in case he refused, was compelled by the complaints of both Houses to remove him from the office on the 3rd of that month; and Bishop Arundel was appointed his successor.[2]

[1] Rot. Parl. iii. 206.

[2] Rot. Claus. 10 Rich. II., m. 35

The Commons immediately exhibited seven articles of impeachment against him, which certainly were of no great weight or importance. They charged him, first, with purchasing lands of the king at a less price than they were worth; secondly, with failing to carry into execution the ordinance of the last parliament as to the regulation of the government; thirdly, with expending the moneys levied in a different manner from that for which they were granted; fourthly and fifthly, with obtaining certain grants of the tideman of Lymbergh and the master of St. Anthony, which properly belonged to the king; sixthly, with granting charters of pardon for murders, treasons, &c., and of franchises to Dover against the laws; and seventhly, with default in losing the city of Ghent and 1000 marks of the money raised for its relief.

Notwithstanding an able defence by himself and his brother-in-law, Richard le Scrope, who referred to his thirty years' good services as a knight, the earl was convicted on most of the charges, and condemned to make restitution of all the purchases and grants acquired as stated in the first, fourth, and fifth articles, except the title of earl and the 20*l.* a year out of the county. He was thereupon ordered to be committed to prison, there to remain at the king's will until he had paid such fine and ransom as should be imposed on him. The charters of pardon and patent to Dover were ordered to be cancelled; but as to the other three articles it was determined that he ought not to be called upon to answer them without the other members of the council.[1] At the close of these proceedings, the king was compelled, before he could obtain a subsidy, to agree to a statute appointing eleven commissioners as a permanent council for the regulation and correction of all state matters, with a complete power over the royal revenue.

[1] Rot. Parl. iii. 216—220.

Although the king, on hearing the charges against de la Pole, is said to have exclaimed, "Alas, alas, Michael, see what thou hast done!" it may well be doubted that he felt any real indignation; for as soon as the parliament was dissolved, he not only released the earl from the castle of Windsor where he had been confined, but gave a willing ear to his dangerous counsel at once to break the bonds which the parliament had thus imposed. To effect this object the judges were summoned to Nottingham in the following August, and in a measure compelled to give answers to certain questions propounded to them; whereby they declared that the late statute was illegal and void, and that all those who procured it were traitors; and further, that the judgment against the Earl of Suffolk was erroneous.

The plans of de la Pole and the other royal favourites were however so badly laid, that they soon came to the knowledge of the members of the council, who took the promptest steps to counteract them; forcing the king to call a parliament in February, 1388, and there appealing the Archbishop of York, the Duke of Ireland, de la Pole, Tresilian the chief justice, and Nicholas Brambre, an alderman of London, of high treason. The articles were thirty-nine in number, which, besides comprehending every act they had committed in their previous career, mainly pressed their last attempt to overturn the statute of the preceding parliament.

The archbishop, the duke, the earl, and the chief justice, failing to appear, were found guilty, by default, of fourteen of the charges which were declared to be high treason; and were condemned to the punishment of traitors.[1]

De la Pole, wisely escaping before the meeting of the parliament, avoided the fate of Tresilian and Brambre. On

[1] Rot. Parl. iii. 229—237.

going to Calais, he is said to have been refused admission by his brother Edmund, who was then captain of the castle there; and, proceeding to Paris, he did not long survive his disgrace, but died on September 5 in the following year, 1389.

By his wife Catherine, the daughter and heir of Sir John Wingfield, he left three sons, Michael, Thomas, and Richard. Michael, the eldest, was restored to his father's lands and honours by the parliament of January, 1398, 21 Richard II., which declared all the former proceedings to be null and void. His restoration was confirmed by Henry IV., and the title devolved on his first and second sons, Michael and William, successively; the latter of whom was created Marquis of Suffolk in 1444, Earl of Pembroke in 1446, and Duke of Suffolk in 1448. On his attainder in 1450 all these honours were forfeited; but the Dukedom of Suffolk, in 1463, was again granted to his son John, who married the sister of King Edward IV. John's eldest son was created Earl of Lincoln in 1467, but was killed at the battle of Stoke in 1487, leaving no issue. Duke John died in 1491, when he was succeeded by his second son, Edmund, on whose attainder in 1513 the dukedom became extinct.[1]

PRESTON, ROBERT DE.

? CH. C. P. 1377.

ROBERT DE PRESTON, whom Dugdale erroneously introduces into his Chronica Series as receiving the appointment of chief justice of the Court of Common Pleas on October 5, 1377, 1 Richard II., never held that office in England.

He became a judge of the Irish Court of Common Pleas on October 17, 1342, 16 Edward III.; but it would seem that he was afterwards removed from the bench and returned to his practice at the bar, since there are records to show

[1] Dugdale's Baronage, ii. 181.; Nicolas' Synopsis.

that in 1357 he acted as the king's serjeant-at-law in that country, and accompanied the lord justice in Leinster and Munster to plead and defend the pleas of the crown, receiving four shillings a day for himself, and a man and horse at arms. On October 14, 1358, however, he was made chief justice of the Common Pleas in Ireland, and presided in that court during the remainder of Edward's reign, a period of nearly nineteen years.

The patent quoted by Dugdale is his re-appointment, on the accession of Richard II., to the same seat, from which he was allowed to retire in the following April. In the eleventh year of that reign his services were again required, and he was constituted chancellor of Ireland, in which office he remained till October 25, 1389, 13 Richard II. Two years afterwards he received a patent as keeper of the Great Seal in Ireland, but was eventually relieved in 16 Richard II. by Richard Northallis, Bishop of Ossory, on May 29, 1393.[1]

PYNCHEBEK, THOMAS.

CH. B. E. 1388.

THE family of Pynchebek received its name from a parish so called in Lincolnshire; but we find no particulars relative to Thomas Pynchebek, except that on the impeachment of John Cary he was made chief baron of the Exchequer on April 24, 1388, 11 Richard II., and that his successor, John Cassy, was appointed on May 12 in the following year. That this change was occasioned by his death appears probable, as part of the Lincolnshire property of Sir John de Bello Monte, who died in 20 Richard II., is stated to have come from "the *heirs* of Thomas de Pynchbek."[2] If, however, the anecdote of William Pinchbek in p. 25. is merely a

[1] Smyth's Law Officers of Ireland, 7. 114. 123. 182.; N. Fœdera, iii. 833.; Cal. Rot. Pat. 196. 216. 222. 226.

[2] Dugdale's Chron. Ser.; Cal. Inquis. p. m., iii. 199.

mistake in the christian name, and applies to the chief baron, it proves that he was removed from his office before his death, and that he subsequently resumed practice as a counsel.

RAVENSER, JOHN DE.

? KEEPER, 1393.

JOHN DE RAVENSER was, I believe, the brother of the undernamed Richard de Ravenser. Like him, he also was an ecclesiastic, and in 48 Edward III. granted an endowment for the chaplain of a chantry at "Hellewe," in connection with the church of Waltham.[1] In the Calendar of Inquisitions he is described as Archdeacon of Lincoln in 2 Richard II.; but this is evidently a mistake for Richard, who clearly was in possession of that dignity both before and after that date.[2]

It was in the character of keeper of the Hanaper, which John de Ravenser held as early as 10 Richard II., 1386[3], probably succeeding Richard de Ravenser in that office, that he was appointed with the master of the Rolls on March 26, 1393, to hold the Great Seal till April 19, while Thomas de Arundel was chancellor.[4] As William de Waltham was keeper of the Hanaper in the following year, we may presume that Ravenser died in the interim.

RAVENSER, RICHARD DE, ARCHDEACON OF LINCOLN.

? KEEPER, 1386.

See under the Reign of Edward III.

RAVENSER is the place in the neighbourhood of Kingston-upon-Hull where William de la Pole was born. To the influence of this powerful merchant was probably owing the advance of Richard de Ravenser, whose name designates the

[1] Abbrev. Rot. Orig. ii. 333.
[2] Cal. Inquis. p. m., ii. 352., iii. 18. 26.
[3] Rymer, vii. 548.
[4] Rot. Claus. 16 Rich II., m. 9.

same birth-place. He was brought up to the church, and in 31 Edward III., 1357, had a grant of the office of keeper of the Hanaper. In the next year he was assigned to administer the goods of the late Queen Isabella[1], and was rewarded for his services in 36 Edward III. by being appointed one of the twelve clerks in the Chancery of the higher grade[2]; still, however, retaining the Hanaper for some years afterwards.[3]

He continued a clerk of the Chancery during the remainder of his life; regularly performing the duty of receiver of petitions in parliament[4], and being endowed with the usual ecclesiastical preferments. In 39 Edward III. he was master of the hospital of St. Leonard in York; he held prebends in the churches of Beverley and Lincoln[5]; and in 42 Edward III. was made Archdeacon of Lincoln.[6] He was rich enough to lend the king 200*l.*, which was repaid in 44 Edward III.[7]; and he died in 1386, 10 Richard II.

His appearance in this list arises from his being twice called upon, with two other clerks, to hold the Great Seal during the temporary absence of the chancellors; first, in the time of chancellor Adam de Houghton, from May 4 to June 21, 1377, the day of King Edward's death[8]; and secondly, in the time of chancellor Michael de la Pole, from February 9 to March 28, 1386, 9 Richard II.[9]

RICHMOND, Archdeacon of. *See* J. de Waltham.

RICKHILL, WILLIAM.

Just. C. P. 1389.

See under the Reign of Henry IV.

[1] Abbrev. Rot. Orig. ii. 245. 248.
[2] Cotton. Julius. F. X., 15. fo. 103.
[3] N. Fœdera, iii. 703. 934.
[4] Rot. Parl. ii. 303., iii. 4—203.
[5] Abbrev. Rot. Orig. ii. 287. 318. 340.
[6] Le Neve, 156.
[7] Pell Records, i. 190.
[8] Rot. Claus. 51 Edw. III., m. 7.
[9] Ibid. 9 Rich. II., m. 12.

ST. DAVID'S, BISHOP OF. *See* A. DE HOUGHTON.

ST. MARTIN'S, LONDON, DEANS OF. *See* W. OF WYKEHAM, W. SKIRLAWE.

SALISBURY, BISHOP OF. *See* J. DE WALTHAM.

SALISBURY, CHANCELLOR OF. *See* S. DE SUDBURY.

SALISBURY, DEAN OF. *See* R. DE BRAYBROKE.

SCARLE, JOHN DE, ARCHDEACON OF LINCOLN.

M. R. 1394. CHANC. 1399.

See under the Reign of Henry IV.

SCROPE, RICHARD LE.

CHANC. 1378, 1380.

RICHARD LE SCROPE was about eight years old at the death of his father, Chief Baron Sir Henry le Scrope, in 1336, 10 Edward III. He was the youngest of three sons, the two elder of whom, William and Stephen, died while he was yet in his minority; so that the whole of his father's extensive property then devolved upon him. From his earliest youth he devoted himself to arms; and was only eighteen when he accompanied the king on his invasion of France, and partook of the glory of the battle of Cressy on August 20, 1346. In the following October we find him so signalising himself at the battle of Nevil's Cross, where the Scots were completely vanquished, as to be knighted on the field; and during the remainder of that year and part of the following he assisted at the siege of Calais, which surrendered into the king's hands on August 4, 1347. In 1350 he was present in the sea-fight near Rye, when Don Carlos de la Cerda was signally defeated by King Edward and the Black Prince, and twenty of his ships taken; and during the succeeding years his name appears in the array of his sovereign both in the French and Scottish wars.

In 1359, 33 Edward III., he began the connection with

John of Gaunt, Earl of Richmond, which lasted the remainder of the life of that celebrated man; serving under him in the army which then invaded France[1] and made its way almost to the walls of Paris. In 1366 he accompanied his patron, who had been created Duke of Lancaster, into Spain, and distinguished himself in April of the following year at the decisive victory of Najarre, which restored Don Pedro to the Spanish throne; and on the renewal of the war with France in 1369 he filled his usual place by the side of the duke.

During the progress of his military career he had been selected by his own county of York as its representative in parliament; having been returned knight of the shire in 1364, 38 Edward III. On January 8, 1371, he was summoned to the upper House as a baron; and on March 27 of that year, 45 Edward III., was invested with the responsible office of treasurer; the king selecting him when the Commons petitioned that the great offices should no longer be filled by the clergy. He retained this place for four years and a half, retiring in September, 1375; but during the interval in July, 1373, he again formed part of the Duke of Lancaster's retinue into France; and in March, 1375, was joined with Sir John Knyvet to act as attorney for the duke during his absence from England.[2] In the last year of Edward's reign he was one of the commissioners for the preservation of the truce with Scotland, and for the protection of the Marches.

On the accession of Richard II. he was appointed steward of the Household; in which character he addressed the Commons in the first two parliaments of the reign.[3] But a greater honour was reserved for him; for on October 29, 1378, 2 Richard II., the Great Seal was delivered to him as chancellor of England.[4] He remained in this office only

[1] N. Fœdera, iii. 442.
[2] Ibid 1026.
[3] Rot. Parl. iii. 5.
[4] Rot. Claus. 2 Rich. II., m. 25.

eight months, during which we find him charging the judges and serjeants in parliament to give their opinion on certain points of law. Retiring from the chancellorship on July 2, 1379[1], he was succeeded by Simon de Sudbury, Archbishop of Canterbury; and resuming his military duties in Scotland under the Duke of Lancaster he received the appointment of warden of the Western Marches.

At the meeting of the parliament on the 4th of November, 1381, Richard le Scrope, who is then designated as a banneret, was appointed a trier of petitions; but on the 18th of that month he is spoken of as "lors novellement crees en Chanceller d'Engleterre."[2] It is curious, however, that according to the record on the Close Roll, Bishop Courteneye, the late chancellor, did not give up the Seal till November 30, and Richard le Scrope did not receive it till December 4.[3] Thus was he a second time chancellor; but he did not keep his place above seven months; his straightforward honesty inducing him to remonstrate with his royal master against giving inconsiderately away the lands that fell to the crown. The king, incensed at the interference of his minister, is said by Walsingham to have sent messenger after messenger to demand the Great Seal, which the chancellor refused to give up to any other person than the king himself. The entry on the record seems to support this relation, and plainly evidences a hasty proceeding. It alleges that the king being desirous that Scrope should be exonerated from the office, the Seal was delivered up to him, *ut debuit*, and though he was not as yet provided with a chancellor; but being unwilling that the affairs of the kingdom should be retarded for want of a Seal, he delivered it to certain commissioners to be kept at his will.[4] This occurred on July 11, 1382.

The king's irritation, however, seems soon to have subsided,

[1] Rot. Claus. 3 Rich. II., m. 22.
[2] Rot. Parl. iii. 99, 100.
[3] Rot. Claus. 5 Rich. II., m. 27.
[4] Ibid. 6 Rich. II., p. 1. m. 24.

since Scrope was in the same year appointed to negotiate a truce with Scotland, and still continued to be nominated as a trier of petitions in parliament. Although between fifty and sixty years of age, he exhibited no diminution of his military ardour; but was present, with his old patron the duke, at the capture of Edinburgh in 1384, and joined King Richard's expedition against Scotland in the following year. It was then that he challenged the right of Sir Robert Grosvenor to bear the arms "Azure, a bend or." This was the third dispute of a similar nature in which Scrope had been engaged. At the siege of Calais in 1347 his right to the crest of a crab issuing from a ducal coronet was challenged; but without effect, as he ever afterwards continued to bear it. Again, in Paris in 1360, a Cornish squire, named Carminow, disputed his right to the arms on his shield; when both parties were adjudged to be entitled. The third controversy, with Sir Robert Grosvenor, which lasted four years in the Court of Chivalry, and terminated in Scrope's complete triumph over his opponent, is the subject of a most interesting work by the late Sir Harris Nicolas, to which we are indebted for most of the materials from which this account has been drawn up.[1]

During the remainder of Richard's reign Scrope was a regular attendant on his parliamentary duties. In 1386 he was appointed one of the king's permanent counsellors; and had the courage to defend Pole, Earl of Suffolk, his brother-in-law, when impeached by the Commons. In 1387 he was one of the commissioners on the trial of Nevill, Archbishop of York, Tresilian, and others; and conducted himself with such prudence and moderation during the following years, that when the parliament of 21 Richard II., 1397, reversed the proceedings of that of 1386, and impeached those who were

[1] See also Rymer, vii. 620, 621. 676. 686.

implicated in them, Scrope, though one of the number, was declared innocent by the Commons, and a patent of pardon was granted to him.

The Duke of Lancaster died in February, 1399; and none can contemplate without pity the feelings which must have embarrassed the aged knight, when he watched on the one hand the mad and foolish conduct of his sovereign, and saw on the other the insidious and treasonable proceedings of his patron's son. He took no active part in the contest; and on the deposition of Richard, although his eldest son, the Earl of Wiltshire, had lost his life for his adherence to the royal cause, he was summoned to Henry's first parliament, and was among those peers who assented to the late king being placed in imprisonment; a vote to which, under the circumstances, he could scarcely object, qualified as it was by the words "sauvent sa vie." The scene in the parliament a few days afterwards must have been most affecting, when, on the attainder of his son being confirmed, he rose in his place, his eyes streaming with tears, and "implored the usurper that the proceedings might not affect the inheritance of himself or his other children; and after admitting the justice of the sentence, and deploring the conduct of his son, the unhappy father was consoled by Henry, who deigned to assure him that neither his interest nor those of his children then living should suffer from it; for that he had always considered and still deemed him a loyal knight." The only other instance of his mixing in public affairs after this event was his presence in parliament in January, 1401, when the Earls of Kent, Huntingdon, and Salisbury were attainted of high treason.[1]

He lived little more than a year afterwards; his death occurring on May 30, 1403, 4 Henry IV., at about the

[1] Nicolas, 80. 89.; Rot. Parl. iii. 427. 453. 459.

age of seventy-five. His remains were deposited in the abbey of St. Agatha, near Richmond, where those of his father rested. His will is in the Testamenta Vetusta, i. 156.

The union of such qualities as he possessed both as a soldier and a statesman are seldom to be found in one man. Throughout his long military career he was highly distinguished for his valour; and the talents and sagacity he exhibited in his civil employments were equally remarkable. Though connected with all the intricate proceedings of the unfortunate reign of Richard II., he steered clear of the shoals on which his contemporaries stranded; and preserving the esteem of all classes to the close of his life, he well deserved the character which Walsingham gives him, that he was a man who had not his fellow in the whole realm for prudence and integrity.

Some authorities say that he was twice married; but others doubt whether he had more than one wife. She was Blanche, the daughter of Sir William de la Pole, and sister of Michael, Earl of Suffolk, whose life, as chancellor, has been already given. She died soon after the year 1378. The name of his second wife is variously stated by those who assert that he had one: some calling her Margaret, daughter of Sir John Montford; and others describing her as a daughter of —— Spencer. By Blanche he had four sons; the eldest of whom, William, was highly in favour with Richard II., who made him his treasurer, and created him Earl of Wiltshire in 1397, and knight of the Garter in 1398. His attachment to his benefactor proved his ruin; for being taken at Bristol in 1399, he was beheaded without trial; and his attainder having been confirmed by the next parliament, his honours and estates were forfeited to the crown.[1] The second son,

[1] Dugdale, in his Baronage, i. 661., makes the earl the grandson of Geoffrey le Scrope; but Sir H. Nicolas plainly proves he was the son of Richard, as indeed is evidenced by the proceedings in parliament.

Roger, succeeded his father; the third, Stephen, was an adherent of Richard II., but afterwards was received into Henry's confidence; and the fourth, Richard, Archbishop of York, was beheaded for conspiracy against Henry in 1405.

The barony of Scrope of Bolton continued through eleven generations. The last holder of it, Emanuel, was created Earl of Sunderland on June 19, 1627; but dying without issue in 1640, the earldom became extinct, and the barony devolved on the representatives of the daughter of his grandfather. It has been hitherto, however, unclaimed. The Bolton estate was bequeathed by the earl to Mary, one of his natural daughters, whose second husband, Charles Paulet, Marquis of Winchester, was created Duke of Bolton in 1689, a title which became extinct in 1794. The present barony of Bolton was granted in 1797 to Thomas Orde, who had married a natural daughter of the fifth duke, and who took the name of Paulet.[1]

SEGRAVE, HUGH DE.

KEEPER, 1381, 1382.

ON two occasions during this reign Sir Hugh de Segrave was appointed temporary keeper of the Seal for a few weeks. He was one of the branches of the illustrious house of Segrave, the principal line of which failed, in 1353, for the want of male issue. The first notice we find of his name among the records is in the confirmation, in 43 Edward III., of Queen Philippa's grant to him for life of the offices of constable of the Castle of Brustwyk, and of keeper of the Forests of Kingswood and Filwood in Gloucestershire.[2] In the next year he had a payment of 45*l.* 10*s.* 2*d.* for the wages of himself and his men-at-arms and archers in the war.[3] On both these

[1] Scrope and Grosvenor Controversy, ii. 17—39.; Synopsis of the Peerage.
[2] Abbrev. Rot. Orig. ii. 304. [3] Devon's Issue Roll, 89.

occasions he is designated as a knight. In 46 Edward III. he was one of the commissioners to treat with the Flemings, and held the same diplomatic character in the last year of Edward's reign.[1]

On the accession of Richard II. he was selected as one of the king's council, and in the third year was appointed steward of the Household.[2] In that and the following year he was one of the ambassadors employed to treat with France, and to negotiate the king's marriage with Anne, the sister of the emperor.[3]

Two days after the brutal murder of Archbishop Sudbury the Great Seal was placed in Segrave's hands, on June 16, 1381, to be held as keeper until the king could more conveniently appoint a chancellor; and he performed all the duties pertaining to the office for eight weeks, the Seal being delivered to William de Courtenaye, Bishop of London, on August 10.[4] On the same day he was made treasurer in the room of Robert de Hales, another victim of the popular fury. In that year also he had a grant of the manor of Overhall, in Essex, to hold by the service of making "Wafres," and attending on the king at his coronation.[5] In the parliament that met in November he opened the business on the part of the king.

In the following year, when the king angrily took away the Seal from Richard le Scrope, on July 11, 1382, Segrave again received it as the head of a commission of three, William de Dighton and John de Waltham being the other two; and they continued to hold it till September 20, a period of ten weeks, when Robert de Braybroke, Bishop of London, the new chancellor, relieved them of it.[6]

Segrave continued treasurer till January 17, 1386, 9 Rich-

[1] N. Fœdera, iii. 932. 1076.
[2] Cal. Rot. Pat. 203.
[3] Rymer, vii. 161. 229. 281.
[4] Rot. Claus. 5 Rich. II., m. 25.
[5] Cal. Rot. Pat. 205.
[6] Rot. Claus. 6 Rich. II., p. 1. m. 24.

ard II., when Fordham, Bishop of Durham, succeeded him[1]; and his death occurred at or about that time.[2]

SELBY, RALPH DE.

B. E. 1393.

RALPH DE SELBY is described with the addition "Magister;" showing that persons in orders were still appointed to the office of baron of the Exchequer, his patent to which is dated October 24, 1393, 17 Richard II.[3] Little more is to be found concerning him, unless he were the Ralph Selby "in utroque jure Doctor" who was made master of King's College, Cambridge, in the fourteenth year.[4] There is an entry on the Issue Rolls, on December 6, 1393, of a payment of 50*l.* made to "*Robert* Selby, Clerk, Treasurer of the Town of Calais," as the king's gift, "to the end that he should pay for the finances of John Lancaster, chevalier, who has been for a long time and as yet is detained a prisoner in the kingdom of France."[5] It is not improbable that this is the same person, as two years afterwards an indenture is recorded, testifying the delivery to the treasurer of England of certain muniments relating to Acquitaine, by Sir Henry Percy, and Ralph Selby, Clerk.[6] He is mentioned as of the council of the king in 21 Richard II.[7], but evidently retired or died soon after; as his name does not occur on the Liberate Roll of the first day of the reign of Henry IV., directing the payment of the salaries of the barons for the previous half-year.

SKIPWITH, WILLIAM DE.

JUST. C. P. 1377.

See under the Reign of Edward III.

THE ancestor of Sir William de Skipwith was a younger son of Robert de Stuteville, and assumed the former name, in the

[1] Dugdale's Chron. Series.
[2] Cal. Inquis. p. m., iii. 84.
[3] Dugdale's Chron. Series.
[4] Cal. Rot. Pat. 221.
[5] Devon's Issues of Exch. 253.
[6] Kalendars of Exch. iii. 302.
[7] Proc. of Privy Council, i. 75.

reign of Henry III., from the lordship so called, in Yorkshire, which he received as his portion from his father. One of his descendants having by marriage acquired large possessions in Lincolnshire, removed into that county, and the judge was his lineal representative.

William de Skipwith was the second son of another William, by Margaret, the daughter of Ralph Fitz-Simon, Lord of Ormsby, in Lincolnshire. His father died in 10 Edward III., and his brother a few months afterwards; so that he then succeeded to the estates. Being bred to the law, he is stated (but upon somewhat questionable evidence) to have belonged to the society of Gray's Inn, and to have been the first reader there. His eminence as an advocate may be inferred from the frequent recurrence of his arguments in the Year Books from the seventeenth year of the reign, where he is also mentioned as a judge of assize from 26 Edward III. He was appointed one of the king's serjeants in 28 Edward III., and was raised to the bench, as a judge of the Common Pleas, on October 25, 1359, 33 Edward III.; soon after which he was created a knight. From this bench he was advanced in less than three years to be chief baron of the Exchequer. The date of his patent is not given; but an entry on the Exchequer Roll so designating him proves it must have been before February 12, 1362, 36 Edward III.[1]

His removal from this office took place on October 29, 1365, 39 Edward III.; when both he and Sir Henry Green, the chief justice of the King's Bench, who was deprived of his place on the same day, were imprisoned on the charge of various enormities, which, according to the historian, the king *understood* they had committed against law and justice; and it is added, that they did not get their discharge until they had refunded large sums of money which they had unjustly

[1] Kal. Exch. i. 195.

acquired. Barnes states that they were ever after secluded from their places and the king's favour.[1] Whether this were so with regard to Skipwith remains to be considered.

Wotton and Collins, in their Baronetages, state that Skipwith continued in office till 40 Edward III., at which time he died; and that *his son William* was constituted a judge of the Common Pleas in 50 Edward III.[2] In the first of these assertions they are manifestly wrong; as the records clearly prove that the new chief baron was appointed in 39 Edward III.

Barnes's relation proves that they must be equally wrong in their statement that Sir William was chief baron till his death: and as no evidence exists of the date of this latter event at this period, the question arises whether the William de Skipwith who became a judge of the Common Pleas in 50 Edward III. was not the chief baron himself: and we are inclined, for several reasons, to think that this was so.

In the first place, there is no second advocate of the name mentioned in the Year Books, nor any second serjeant among the writs; and it can hardly be supposed that a man would be raised to the bench who had not previously distinguished himself in some way in the courts.

Secondly, it is not probable, and indeed scarcely possible, as we shall presently show, that the chief baron could have had a son old enough to be made a judge in 50 Edward III., a period when lawyers are reputed to have passed through a lengthened ordeal before they were raised to the bench.

Thirdly, we find that on February 15, 1370, 44 Edward III., a Sir William de Skipwith was constituted chief justice of the King's Bench in Ireland[3]; and that on the 21st the sum of 26*l.* 13*s.* 4*d.*, or 40 marks, was paid to him for his expenses and equipment in going there[4]; showing, therefore, that he

[1] Barnes' Edward III., 667.
[2] Engl. Baronetage, iv. 529.
[3] N. Fœdera, iii. 887.
[4] Issue Roll, 44 Edw. III., 458.

went from England. This is a fact which the genealogists have entirely omitted; and it would be difficult to accommodate it to their account. If the father was dead, as they state, then it must have been the son; which would thus take six more years from his age as a judge, and consequently create a greater improbability. But, if it were the father, as we feel satisfied it was, it is easily reconciled to the supposition that King Edward, having satisfied himself that the charges against him were unfounded, restored the victim of his haste, as he did on several other occasions, to his judicial functions on the first opportunity.

Fourthly, in the pedigree of the family, to which we have had access through the kindness of Sir Gray Skipwith, Bart., the present representative, and which appears to have been drawn up about the end of the seventeenth century, Sir William, the undoubted judge, is called "Capitalis *Justiciarius;*" and his son William is not described as a judge at all. Now the former never was chief justice, unless he was the chief justice of Ireland; and if he were so, of which this entry seems a confirmation, then he could not have died at the period named by Wotton and Collins; while the fact of the latter having been a judge, if he had indeed been the man, could not have been overlooked by the herald, when there was exposed before him a painted window in the mansion at Newbold Hall, presenting a portrait in judge's robes, and inscribed in allusion to an incident of his life which we shall presently relate,

"Solus inter impios mansit integer Gulielmus Skipwith Miles, clarus ideo apud posteros, anno decimo Ricardi 2di."

It may be remarked further, that if the son could not be old enough in 44 or in 50 Edward III., 1370–1376, to be made a judge, neither would the father have been too old in 10 Richard II., 1386, the alleged time of final retirement, to sit on the bench. To obtain his probable age we must refer

back a little to his ancestors. There was a Reginald, who was old enough to be a hostage in the barons' wars, 9 John, 1209. The chief baron's father died in 1336, 10 Edward III., leaving an interval of 127 years, during which there were four generations; thus giving to each little more than thirty years. It is clear, therefore, that the chief baron's father could not have been an old man when he died; and there is every appearance that all his children were minors at his death. The eldest, John, died in the same year with his father, childless; and the chief baron, who succeeded, is not mentioned as an advocate till seven years afterwards. Presuming, then, that he was eighteen years old when his father died, he would be twenty-five when he appeared in the courts, thirty-six when he became a serjeant, forty-one when made a judge, forty-four as chief baron, fifty-two as chief justice of Ireland, fifty-eight when he returned as a judge to England, and only sixty-eight or sixty-nine at the date of his retirement in 10 or 11 Richard II. Even if three or four years were added, his age would not exceed the bounds of reasonable probability.

It will be at once seen, that, if this calculation approaches in any degree to correctness, it would be next to impossible that he should have a son old enough in 1370 to be placed in so high a judicial office as chief justice of the King's Bench in Ireland; and this becomes still less probable, when we find that the chief baron's second son, John, ultimately succeeded to the estates by the death of the elder son, William, without male issue; and lived till 9 Henry V., 1422, in which reign he was returned to parliament as one of the members for Lincolnshire.

If the father died, as is alleged, in 1366, leaving one son of sufficient age, in 1370, to be made a judge, and another not too old, fifty years afterwards, to be member of parliament, the discrepancy between the two ages must have been some-

what extraordinary: while if the father lived, as the evidence seems to justify us in supposing, till after 1387, all difficulty is removed, and every thing appears natural and in common course.

We feel that we are warranted, therefore, in regarding the Sir William de Skipwith who was appointed chief justice of the King's Bench in Ireland in 1370 as the same person who was removed from the office of chief baron in 1365, and consequently as the same person who was restored to his old position as justice of the Common Pleas in England in 1376. It is evident that Dugdale so considered him; as in his list of the judges before whom fines were levied he mentions only one William Skipwith, and connects the two periods of his acting by the words "et iterum:"[1] and no one can observe the manner in which Skipwith is noticed, in the only case in which his name is mentioned, in Michaelmas, 50 Edward III., in the Year Books, without being satisfied that it is no new judge who speaks, but one who had experience and authority. "Et adonques vient Mons. W. Skipwith en le place quant le matt. fuit pled, et dit," &c. The great case of the Bishop of "Sancte Davy," and John Wyton, clerk, was then in discussion; and his opinion having been given with dignity and distinctness, the other judges concurred, and the judgment was pronounced in accordance with it.[2] This probably took place on his first appearance in the court after his return from Ireland, his re-appointment being dated October 8, 1376.

On the accession of Richard II., in the following year, he was retained in his place as second justice of the Common Pleas; and continued in the active performance of his duties throughout the first ten years of that reign. He was summoned, with the rest of the judges, to the council of Nottingham, in August 1387, 11 Richard II., when the king's

[1] Dugdale's Orig. Jurid. 45. [2] Year Book, 50 Edw. III., fo. 27. pl. 8.

favourites compelled his brethren to subscribe certain questions and answers condemnatory of the proceedings of the parliament in appointing a council for the government of the kingdom. Whether he did or did not suspect the object does not appear; but, by pleading illness, he fortunately escaped the consequences in which they involved themselves. He was the only one of those who had previously sat on the bench who acted as a trier of petitions in the parliament of the following February[1], in which all his brethren were impeached and attainted.

They were all of course removed from their seats; and he seems to have taken the same opportunity of retiring from the bench, as no fines were levied before him after that date.[2] His death did not occur till some years afterwards, as he was alive in 15 Richard II.[3]

He married Alice, sole daughter and heir of Sir William de Hiltoft, Lord of Ingoldmells, in Lincolnshire, by whom he had several children. On the death of his elder son, William, without issue male, the bulk of his estate descended to his second son, John, whose family was distinguished by no less than three baronetcies, two of which are now extinct: viz. 1. Sir Fulwar Skipwith, of Newbold Hall, Warwickshire, received the title on October 25, 1670, which failed in 1790. 2. Sir Thomas Skipwith, of Metheringham, in Lincolnshire, a serjeant-at-law, was created a baronet on July 27, 1678; but his grandson dying without issue in 1756, the title expired. The third, however, which is the more ancient, being granted to Sir Henry Skipwith, of Prestwould, in Leicestershire, on December 20, 1622, still survives in Sir Gray Skipwith, the eighth baronet of that line, and the present possessor of Newbold Hall.[4]

[1] Rot. Parl. iii. 229.
[2] Dugdale's Orig. Jurid. 45.
[3] Cal. Inquis. p. m., iii., 147. 149.
[4] Wotton's Engl. Baronetage, i. 536., iii. 528. 654.

SKIRLAWE, WALTER, DEAN OF ST. MARTIN'S, LONDON; TREASURER OF LINCOLN; ARCHDEACON OF NORTHAMPTON AND EAST RIDING OF YORK; BISHOP OF LICHFIELD AND COVENTRY, BATH AND WELLS, and DURHAM.

KEEPER, 1382.

THE introduction of Walter Skirlawe into this catalogue arises from his having had the custody of the Great Seal with three others for the period of six weeks, from August 8 to September 20, 1382. It had been first committed to Hugh de Segrave, William de Dighton, and John de Waltham on July 11, when Richard le Scrope was removed from the chancellorship; but Skirlawe, having succeeded Dighton as keeper of the Privy Seal, was then added to them in the execution of this duty.[1]

Walter Skirlawe, according to tradition, was the son of a sieve-maker, and was born at Swine, in Holderness, Yorkshire. He was educated at Durham College, Oxford, and took the degree of Doctor in Laws, or, as he is frequently called, "Decretorum Doctor." I am inclined to think that he was one of the clerks in Chancery, as he was named a receiver of petitions in the parliament of January, 1377, the last year of Edward's reign; this function being usually assigned to that class of officers. He held the same position also in the first four parliaments of Richard II.[2] As was usual with the Chancery clerks, he soon received ecclesiastical dignities. He was first made Dean of St. Martin's in London, and held that rich benefice on April 26, 1377, when he was sent by King Edward as one of the ambassadors to negotiate a treaty with France.[3] In the beginning of the next reign he was likewise engaged in other diplomatic missions.[4] About 1381 he became treasurer of Lincoln and Archdeacon of North-

[1] Rot. Claus. 6 Rich. II., p. 1. m. 24.
[2] N. Fœdera, iii. 1076.
[3] Rot. Parl. ii. 363., iii. 4—89.
[4] Rymer, vii. 223. 229.

ampton; and, soon after, Archdeacon of the East Riding of York.[1]

His elevation to the office of keeper of the Privy Seal took place, as we have seen, in 1382, and he held it till he was elected Bishop of Lichfield and Coventry in 1385. During his possession of this post he was selected to announce to the parliament of October, 1385, the creation of the king's uncles, Edmund and Thomas, to the dukedoms of York and Gloucester, and of Michael de la Pole to the earldom of Suffolk; and the parliament Roll, in describing the ceremony, calls him "Doctor egregius eloquens et discretus."[2]

He had held the bishoprick of Lichfield and Coventry for a year only, when he was removed to that of Bath and Wells in August, 1386, where he remained less than two years; being translated to the richer see of Durham in April, 1388. He presided over this diocese for seventeen years, and, dying on March 24, 1405, was buried in his cathedral.

Surtees describes him as "a pious and humble prelate, whose name is transmitted to posterity only by his works of charity and munificence." Those that are recorded consist of a chapel and chantry at his native village of Swine; three scholarships in University College in Oxford with the manor of Roding in Essex for their support; several bridges over the Tees and Wear; besides large sums expended on his church at Durham.[3]

STAFFORD, EDMUND DE, DEAN OF YORK, BISHOP OF EXETER.

KEEPER, 1396.

See under the Reign of Henry IV.

[1] Le Neve, 152. 162. 327.
[2] Rot. Parl. iii. 205–9.
[3] Godwin de Præsul. 321. 378. 751.; Surtees' Durham, i. liv. lv.

STANLEY, THOMAS DE.

M. R. 1397.

See under the Reign of Henry IV.

STOKES, RICHARD.

B. E. 1377.

WE CANNOT discover any particulars of the career of Richard Stokes before he was constituted a baron of the Exchequer on October 9, 1377, 1 Richard II. In the same year he was appointed auditor of the accounts of the king's bailiwicks in Wales and in Cheshire. He retained his seat on the bench till the twenty-first year, but certainly did not occupy it at the end of the reign.[1]

SUDBURY, SIMON DE, CHANCELLOR OF SALISBURY, BISHOP OF LONDON, ARCHBISHOP OF CANTERBURY.

CHANC. 1379.

THE family name of this venerable prelate was Thebaud, or Tibbald. He was the son of Nigel and Sarah Thebaud, who resided at Sudbury, in Suffolk, at the time of his birth. Being intended for the clerical profession, he assumed the name of his native place, although these substitutions were gradually becoming uncommon. While yet a young man he was sent abroad, where he distinguished himself in several foreign schools, and took the degree of Doctor of the Canon Law in France. Proceeding to Rome, he was received with favour by Pope Innocent VI., who appointed him one of his chaplains and auditor of his palace, an office of considerable responsibility. He is so designated in a mandate of King Edward III. on July 7, 1358.[2] By the pope's influence he was made Chancellor of Salisbury in 1360, and Bishop of London in the following year.[3] During the

[1] Dugdale's Chron. Series; Cal. Rot. Pat. 196. 198. 217.

[2] N. Fœdera, iii. 402. [3] Le Neve, 178. 268.

fourteen years that he held this see his services were frequently required by the king in the arrangement of truces and treaties of peace; and these duties he continued to perform for the rest of the reign after he became Archbishop of Canterbury; his elevation to the primacy occurring on May 26, 1375.

On July 4, 1379, being the first month of the third year of the reign of Richard II., the Great Seal was placed in the archbishop's hands as chancellor.[1] He had held the office less than two years, when the populace rose in many parts of England, instigated in the first instance by the seditious harangues of a discontented Kentish priest, named John Ball, who preached the common absurdity of a community of goods, "for the which folysshe wordes he had ben thre tymes in the bysshop of Canterburie's prison."[2] The indignation of the people was further excited by the insolent misconduct of one of the collectors of the capitation tax in the same county, who, professing to doubt the age of a young girl, made an indecent attempt to ascertain it. Her father, called Wat the Tyler, from his trade, took summary vengeance for the insult by knocking out the brains of the perpetrator; and his neighbours, joining this to other grievances, as well fancied as real, collected together for the purpose of redressing them, and placed Wat Tyler at their head. Similar risings taking place in other parts of the country, he soon found himself the leader of a rabble of above 60,000 men. Joining John Ball, and another man called Jack Straw, in the command, he led his followers towards London; and having, in his way thither, stopped at Canterbury, they dismantled the palace of the archbishop, against whom it was natural that Ball should entertain hostile feelings as the cause of his former imprisonment, and to whom, as the king's chancellor and minister, the people

[1] Rot. Claus. 3 Rich. II., m. 22.

[2] Froissart (1812), i. 640.

would not fail to attribute all the evils of which they complained. They at last reached Blackheath; and on their arrival there, on Wednesday, June 12, 1381, they sent Sir John Newton, the governor of Rochester Castle, whom they had forced to accompany them, to the king, then in the Tower of London, to represent how ill governed the kingdom had been, "and specially by the archebysshop of Caunterberie, his chaunceller, wherof they wolde have accompt;"[1] and to desire that he himself would come and hear their complaints. The knight took back the royal promise that he would speak to them; and we can imagine the distress and difficulty of his counsellors, what course they should advise their royal master to adopt. It may be presumed that they considered the removal of an unpopular minister would most effectually tend to assuage the fury of the populace; and we accordingly find that the archbishop on that day resigned the Great Seal into the king's hands; the record saying that he did so "for certain causes."[2]

The king, on the next day, though he proceeded down the river, was not allowed to land; whereupon the irritated concourse entered London, and early on the 14th appeared before the Tower, and demanded access to the king. He promised to meet them at Mile End, whither the greatest part of the assembly flocked. The leaders, however, not satisfied, remained with a large body of their followers: and when the king had passed out of the gates and issued on his way, they burst into the Tower, and seizing the archbishop and Robert de Hales, the master of the Knights of St. John, who, being treasurer, was peculiarly obnoxious to them, they dragged them to the common place of execution on Tower Hill, and there barbarously murdered them. The archbishop, after quietly remonstrating, and giving absolution to his

[1] Froissart (1812), i. 643.

[2] Rot. Claus. 5 Rich. II., m. 25.

murderers, calmly submitted to his fate; and with such carelessness and inhumanity was the deed performed, that it was not till after eight strokes of the sword that his head was severed from his body. The head, after being paraded through the city, was suspended on London Bridge, and the body was left untouched till the next day, when they both were removed, for interment, to Canterbury, where they lie in the south part of the altar of St. Dunstan.[1] Wat Tyler met his reward; and his followers were dispersed through the intrepidity of King Richard, from whose conduct on this occasion his subjects nourished hopes which were doomed to be sadly disappointed.

As in most scenes of violent commotion the innocent suffer, so it was in this case. The character of the archbishop, as represented by the historians, was such as to make him least liable to popular hatred. He was of a liberal, free, and generous spirit; admired for his wonderful parts, for his wisdom, his learning, and his eloquence; and revered for the piety of his life, the charity he dispensed, and the merciful consideration he universally exhibited. There is one instance, while he was Bishop of London, of his obtaining a licence to incarcerate a heretic priest named Nicholas de Drayton; but it appears by the record that it was not till after frequent warnings that he was compelled to resort to the measure.[2]

While Bishop of London he was a munificent benefactor to his native town; rebuilding the east end of the church of St. Gregory there, and founding and endowing a college on the site of his father's house. During the short period that he held the archbishoprick of Canterbury he erected the west gate of that city, which still remains, with the greater

[1] The inhabitants of Sudbury, according to Weever, p. 743., say that he was buried in St. Gregory's church in that town, where there is a marble stone with an inscription to his memory.

[2] N. Fœdera, iii. 889.

part of the north wall which time has swept away. On the cathedral, also, he expended large sums; but his works there were interrupted by his violent death.[1]

SYDENHAM, RICHARD.

Just. C. P. 1388.

Somersetshire was the native county of Richard Sydenham, who was possessed of Combe, in the parish of Monksilver, in 44 Edward III.[2] He was the second son of Roger de Sydenham, whose manor of that name devolved on his eldest son, John. Richard was educated as a lawyer, and is mentioned in the Year Books as early as Hilary, 50 Edward III., 1376. His name appears also in the Reports collected by Richard Bellewe. He was raised to the bench, as a judge of the Court of Common Pleas, on the impeachment of four of its members in the parliament of February, 1388, 11 Richard II.; and the fines levied before him extend to the octaves of Trinity, 1396, 19 Richard II.[3] This was no doubt the period of his death; for his name does not occur afterwards, and his successor was appointed in the following July.

He married Joan, daughter and co-heir of Robert Delnigrige, of Bromfield; and was father of two sons, Henry and Simon, the latter of whom became Bishop of Chichester. From Henry, the eldest, descended a long line settled at Brimpton, in Somersetshire, some of whom represented that county in parliament. In 1641 one of them received the order of baronetcy, which became extinct, in 1739, by the death of the third holder of the title.[4]

SUFFOLK, Earl of. *See* M. de la Pole.

[1] Godwin de Præsul. 117.; Josh. Barnes, 872.
[2] Cal. Inquis. p. m., ii. 306.
[3] Dugdale's Orig. 46.
[4] Burke's Extinct Baronetcies.

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TAUNTON, ARCHDEACON OF. *See* T. DE ARUNDEL.

THIRNING, WILLIAM.

JUST. C. P. 1388. CH. C. P. 1396.

See under the Reign of Henry IV.

TRESILIAN, ROBERT.

JUST. K. B. 1378. CH. K. B. 1381.

FULLER, in his "Worthies" of Cornwall, says, "there passeth a pleasant Tradition in this County, how there standeth a man of great strength and stature, with a black bill in his hand, at Polstonbridge (the first entrance into Cornwall, as you pass towards Launceston, where the Assizes are holden), ready to knock down all the Lawyers that should offer to plant themselves in that County:" and he adds "in earnest" that few of that profession there have come to any eminence. He omits Robert Tresilian as a native, partly because he is not claimed by Mr. Carew in his Survey[1]; but notwithstanding the omission, there can be little doubt that he was a Cornishman. The initial syllable of his surname is presumptive evidence of the fact; but there is better proof in his principal possessions, consisting of several manors and extensive lands there[2]; and his appearance as an advocate at the assizes of the county in 43 Edward III., 1359[3], is not without its weight in fixing his birth-place. He was educated at Oxford, and was elected fellow of Exeter College about the year 1354.

According to the Year Book he does not appear to have had any practice at Westminster till 50 Edward III., 1376, and then to no considerable extent. He appears, however, to have been a king's serjeant in the first year of Richard II.; at the end of which he was constituted a justice of the Court

[1] Fuller's Worthies, i. 212.

[2] Liber Assisarum, 278, 279. In the first of these cases the name is Trevilian; and Froissart always calls him so.

[3] Cal. Inquis. p. m., iii. 106.

of King's Bench. His appointment took place on May 6, 1378; and he sat there as the only puisne judge for four years.

He was promoted to the office of chief justice on June 22, 1381, 5 Richard II., a week after the murder of John de Cavendish[1]; and the first duty to which he was called was the punishment of the insurgents. Some of the worst were those who had risen in Hertfordshire, and forcibly compelled the Abbot of St. Alban's to grant them various immunities. To that town he accompanied the king; and the mode of trial he adopted was somewhat novel. He forced one jury of twelve to present the ringleaders, according to a list previously prepared; a second jury was next empanelled, who confirmed the finding of the first; and then the same course was adopted with a third jury. No witnesses appear to have been examined; but every party charged was condemned on the personal knowledge of these thirty-six men.[2] The executions here and in other counties are described as being most numerous; and Tresilian's cruelty as having had no parallel till the campaign of Judge Jefferies three centuries afterwards. Knighton, a contemporary chronicler, states that whoever was accused before him, whether guilty or innocent, was sure to be condemned; and other writers have extended the number of the sufferers to fifteen hundred.[3]

The excited state of the country might perhaps justify some stringent proceedings; but both he and others, engaged in putting down the rebellion, seem to have been conscious that they had greatly exceeded any warrantable licence; inasmuch as, in the parliament of the following November, an act of pardon and indemnity was deemed expedient for those who had acted "without due process of the law."[4]

[1] Dugdale's Chron. Series.
[2] Newcome's St. Alban's, 263.
[3] Barrington on the Statutes, 262.; Lingard, iv. 182.; Rapin, iv. 25.
[4] Stat. of the Realm, ii. 20.

As it would be palpably absurd to load these pages with the technicalities of the chief justice's decisions, the relation of which belongs more to a history of the law than of its administration, it will be enough for us to refer those who are interested in them to the Reports of Richard Bellewe, who, in 1585, published a collection of the cases decided in the reign of Richard II. No complaint appears to have been made against his judicial conduct in civil matters; but in his political career he was not so fortunate. Instead of using the influence of his position to check the royal extravagance and folly, he became, by countenancing whatever was agreeable to the king, a favourite at court, and a partisan of Robert de Vere, Duke of Ireland.[1] This nobleman's ascendancy over the youthful monarch was so great, that, according to Froissart, "if he had sayd, sir, this is whyte, though it had ben blacke, the kynge wolde nat have sayd the contrarye." The effect of this misplaced confidence was soon visible in the disordered state of the revenue, and the adoption of unpopular taxes to supply its deficiencies. Not only did the people murmur, but the houses of parliament found it necessary to put a stop to the maladministration of de Vere and his associates.

One of these, the Chancellor de la Pole, was impeached in the first instance; and his conviction was followed by a statute placing the management of the state and the control of the revenue in the hands of eleven permanent commissioners, at the head of whom were the king's uncles, the Dukes of York and Gloucester. Although this commission was solemnly confirmed by the king's letters patent, dated

[1] Lord Campbell says, that he owed his appointment as chief justice to the influence of de Vere; but there is nothing to support this statement. De Vere, then Earl of Oxford, was only about fifteen when Tresilian was raised to the bench, nineteen when he was made chief justice, and was not created Duke of Ireland till six years afterwards.

November 19, 1386, the parliament was no sooner dissolved, than de Vere, and the rest of the king's friends, representing to him his dependent state, urged him to take active measures to release himself from the thraldom in which the obnoxious ordinance had placed him. The king's chief advisers, besides de Vere and Tresilian, were Alexander Neville, Archbishop of York; Michael de la Pole, the late chancellor; and Sir Nicholas Brambre, an alderman of London. After endeavouring in vain to tamper with the sheriffs of the several counties to ensure the election of subservient members for the next parliament, they summoned all the judges to a council at Nottingham, on August 25, 1387, and by violent threats compelled them to attach their signatures to a series of questions and answers, which had been already prepared by Chief Justice Tresilian, the purport of which was to declare the "new statute, ordinance, and commission to be derogatory to the royalty and prerogative of the king;" that all the persons concerned in procuring and making it were traitors, and ought to be punished with death; and that the judgment against Michael de la Pole was erroneous and revocable.

So awkwardly, however, had they concerted their plans, that the whole plot came speedily to the knowledge of the lords commissioners, who forthwith appealed the archbishop, de Vere, de la Pole, Tresilian, and Brambre of high treason. This occurred on November 17, 1387; when the king promised to summon a parliament in the following February that justice might be done. During the interval the archbishop, de Vere, and de la Pole found safety in flight; not, however, without some futile attempts on the part of de Vere to resist the commissioners by force of arms. Tresilian also in the first instance fled, and might have escaped but for his own infatuation. His place as chief justice was filled up on January 31, 1388, by the appointment of Walter de

Clopton; and on February 3, the parliament having met, the five lords who acted as appellants, viz., the Duke of Gloucester, and the Earls of Arundel, Nottingham, Derby, and Warwick, delivered in no less than thirty-nine articles of impeachment, charging the accused with encroaching to themselves royal power by enslaving the king and blemishing his prerogative; and detailing various acts in proof of their guilt. Not the least prominent among these was the constraint they had put upon the justices to set their hands to the answers to the unconstitutional questions which had been propounded to them; and their endeavours by virtue thereof to get the lords and others, who had agreed to make the ordinance in the last parliament, attainted as traitors. All of the appellees, except Brambre who was in custody, were pronounced guilty for default of appearance; and the duke, the earl, and Tresilian were sentenced to the death of traitors, and to forfeit their property to the king; the archbishop's temporalities being also taken into the king's hands.[1]

Nicholas Brambre was next brought forward to undergo his trial; and while it was proceeding, Tresilian was taken and brought before the parliament. The circumstances of his capture are related with some slight variations. The king had joined the Duke of Ireland at Bristol; and being desirous of knowing what proceedings were contemplated by his uncles at Westminster, Tresilian had volunteered to undertake the perilous journey. He reached London without discovery, and taking up his lodging in an alehouse, or according to another account, at an apothecary's, opposite the palace gate, he had ensconced himself in a window so that he could observe every one who passed. His disguise, however, though sufficient to mislead ordinary observers, could not deceive a squire of the Duke of Gloucester's who had

[1] Rot. Parl. iii. 229—237.

been often in his company. Thinking that he recognised the chief justice, he went in and had an interview which satisfied him that he was not mistaken, although Tresilian represented himself as a farmer on Sir John Holland's estate in Kent, come up to town in order to obtain redress for some wrongs done to him by the men of the Archbishop of Canterbury. The squire, pretending to believe him, went directly to the duke, his master, by whose orders he returned with a sufficient guard, and brought the unfortunate judge before the council. His fate was not long delayed; for, after a short colloquy with the duke, he was asked what he had to say why execution should not be done according to the judgment pronounced; and becoming as one struck dumb, so that he could not answer, he was led away to undergo his sentence. Froissart says he was beheaded, and after hanged upon a gibbet; but the parliament Roll states that he was taken to the Tower, and thence drawn through the city, and hanged at Tyburn.[1]

Another less credible but more particular account relates, that his wife and children, with many tears, accompanied him to the Tower, and that she fell down in a swoon overcome with grief. It describes that, in his transit from the Tower, the hurdle on which he was dragged was frequently stopped that he might confess to the friar who attended him; and that he not only refused to mount the ladder till he was forced by blows to do so, but that, when there, he declared that he should not die while he had any clothes upon him; whereupon, on being stripped, many charms were found about his person, and he was actually hanged up naked. His body was buried in the church of the Grey Friars.[1]

These events, it is agreed by all, occurred on February 19, 1388, 11 Richard II.; and the attainder against him and the

[1] Froissart, ii. 285.; Holinshed, ii. 794. [2] State Trials, i. 117.

others was confirmed in the same parliament. Although all these proceedings were reversed by the parliament of 21 Richard II., when the king regained his power in the state, they were again revived and confirmed on the accession of Henry IV.

The confiscation of Tresilian's property was not delayed for an instant. Two knights were immediately appointed to inquire concerning his lands and goods[1]; and no less than eleven manors in Cornwall are mentioned as belonging to him, besides other extensive possessions in that county and in Oxfordshire.[2]

His wife Emeline, the daughter of William Hiwishe, of Stowford, in Devonshire, seems to have soon assuaged her grief for the loss of her first husband by marrying in the following year Sir John Colshull.[3] By her the chief justice left one son, named John; and a daughter, who married John Hauley, of Dartmouth. This John Hauley purchased divers of the manors of the king; and afterwards instituted a suit in Chancery against John Tresilian, who claimed an annuity of 100*l.* charged upon them before the attainder, being assisted in his demand by his father-in-law, Sir John Colshull, then Sheriff of Cornwall.[4]

WADHAM, JOHN.

JUST. C. P. 1388.

THE family of Wadham took its name from the place of its residence, which was in the parish of Knowston, near South Molton, in Devonshire. It had also another seat in that county, called Egge-Combe, now Edge, in which the judge was born. He was the son of Sir John Wadham, knight, and was educated as a lawyer. His name appears among the

[1] Introd. to Kal. &c. of Exch. lxvii.; Devon's Pell Records, iii. 236.
[2] Cal. Inquis. p. m., iii. 106. 120. [3] Ibid. 108. 120.
[4] Cases in Chancery, temp. Rich. II., prefixed to Cal. of Proceedings in Chanc., Elizabeth, I. iii.

advocates in Richard Bellewe's Reports; and he was eventually made one of the king's serjeants. It is curious that his name is so introduced into Dugdale's list in 14 Richard II., two if not three years after he had been advanced to the bench. But this probably arose from the circumstance that his salary in that character was in arrear, and its payment had been delayed till that time. His appointment as a justice of the Court of Common Pleas is not recorded; but it probably took place in 11 Richard II., at the time when the court was almost cleared by the impeachment of all the judges except Sir William de Skipwith. The fines levied before him commence in the beginning of the twelfth year, 1388, and continue till about Midsummer, 1397, 21 Richard II[1]; and as beyond that year he was not summoned to parliament, he probably was then removed, or resigned. He lived till 1411–12, 13 Henry IV[2]; and it is said of him "that being free of speech, he mingled it well with discretion; so that he never touched any man, how mean soever, out of order, either for sport or spight; but with alacrity of spirit and soundness of understanding, menaged all his proceedings."

His descendants, who were called of Merrifield, in Somersetshire, continued in lineal succession till Nicholas, who with his wife Dorothy, the daughter of Sir William Petre, secretary of state to Queen Elizabeth, founded the college at Oxford which bears his name, and died about 1609, leaving no issue.[3]

WALTHAM, JOHN DE, Archdeacon of Richmond, Subdean of York, Bishop of Salisbury.

M. R. 1381. Keeper, 1382.

Fuller makes Waltham, in Essex, the native place of this prelate; while other authors state Bishop's Waltham, in Hants,

[1] Dugdale's Orig. 46. [2] Cal. Inquis. p. m., iii. 338.
[3] Prince's Worthies of Devon; Collins' Peerage, vii. 273.

to have given him his name. Both suppositions have been proved to be erroneous by the recent discovery of a monumental inscription under a pew belonging to the manor-house in the church of Waltham, near Grimsby, in Lincolnshire. His father and mother were buried there, and the fact is recorded in these words: —

"Hic jacent Johes et Margareta ux' ei quond'm pater et mater Joh'is Walth'm nup' Sar' Ep'i quor' aiabꝫ p'piciet' deus ame'."[1]

Of the early history of John de Waltham we have no information, and do not even know whether he was a clerk of the Chancery before he received his patent as keeper of the Rolls from Richard II. on September 8, 1381.[2] He held the place for more than five years; during which, on the allegation that it was incumbent upon him to visit his archdeaconry, he obtained a patent enabling him, as often as he should absent himself for that or any other reasonable cause, to depute any person, whom the chancellor should consider sufficient, to exercise his office in his absence; the power of such deputy to cease after his return.[3]

We learn from a petition of the Commons in the reign of Henry V.[4], that he extended the jurisdiction of the Court of Chancery by the introduction of the writ of subpœna; a form of proceeding of which they complained, but which, the king refusing to discontinue it, has survived to the present time.

On the discharge of the chancellor Richard le Scrope, on July 11, 1382, he was one of the persons to whom the custody of the Great Seal was entrusted till the appointment of a new chancellor; and they held it till the 10th of the following September.[5] In the year 1386 he twice performed the same duties, but only as the substitute of the Earl of Suffolk during his absence from court. On one of these

[1] Archæol. Journ. vii. 389.
[2] Ibid. 8 Rich II., p. 2. m. 26.
[3] Rot. Pat. 5 Rich. II., p. 1. m. 22.
[4] Rot. Parl. iv. 84.
[5] Rot. Claus. 6 Rich II., p. 1. m. 24.

occasions, from February 9 to March 28, two clerks of the Chancery were associated with him; but on the other, from April 23 to May 14, he acted alone.[1]

After the death of his predecessor, William de Burstall, he became keeper of the House of Converts, a benefice which was ever after appended to the office of master of the Rolls. He resigned both on October 24, 1386[2], and was then appointed keeper of the Privy Seal.[3]

In the mean time his ecclesiastical preferments were numerous. He became successively Canon of York, Archdeacon of Richmond, master of Sherburn Hospital, Durham, and Sub-dean of York; and had not long resigned the mastership of the Rolls before he was elected Bishop of Salisbury; the papal provision being dated April 3, 1388.[4]

After his elevation to the episcopal bench he was called upon to serve the responsible office of treasurer. His patent for this is dated May 2, 1391, 14 Richard II.; and he retained it till his death, about September 17, 1395.

The favour with which he was regarded by his sovereign, testified by the various dignities he received, was more strongly evidenced at his death; when the king, notwithstanding the murmurs of many objectors, caused his remains to be interred in the royal chapel of Westminster Abbey, where they now lie near the monument of Edward I.

He was one of the bishops who resisted the right of Archbishop Courteneye to visit his diocese; but was soon frightened into submission; for within two days after sentence of excommunication was pronounced against him he underwent the visitation.[5]

[1] Rot. Claus. 9 Rich. II., m. 5, 12. [2] Rot. Pat. 10 Rich II., p. 1. m. 19.
[3] Rot. Parl. iii. 229.
[4] Rymer, vii. 369. 416.; Surtees' Durham, i. 138.; Le Neve, 258. 325. Godwin de Præsul. 348.; Dugdale's Chron. Ser.

WALTHAM, WILLIAM DE.

? KEEPER, 1394.

THE relationship between William de Waltham and Bishop John, although no doubt some existed, does not clearly appear. William succeeded John de Ravenser as keeper of the Hanaper about 18 Richard II., 1394; and, like him, was then joined in that character with the master of the Rolls, in the temporary custody of the Great Seal, during the chancellorship of Thomas de Arundel, Archbishop of York. They received it on October 1[1]; but the record of its redelivery is not extant. He granted a messuage and a shop in St. Martin's-le-Grand, London, to the Abbot and Convent of Croyland, in 21 Richard II.[2], after which date we find no further mention of his name.

WYKEHAM, WILLIAM OF, DEAN OF ST. MARTIN'S, LONDON; ARCHDEACON OF NORTHAMPTON, LINCOLN, AND BUCKINGHAM; BISHOP OF WINCHESTER.

CHANCELLOR, 1389.

See under the Reign of Edward III.

THE name of William of Wykeham is held in such universal reverence, and the interest felt in every particular of his life is extended over so many classes of society, whether as admirers of his works or partakers of his bounty, that we cannot wonder at the more than ordinary degree of diligence which has been exercised in seeking out and recording every thing that can illustrate his history. The results exhibit an active mind never unoccupied; an energy subdued by no difficulties; foresight in the contrivance, caution in the development, and an union of judgment and taste in the execution of his works; an absence of all arrogance throughout his rapid advance in clerical honours, and that discreet

[1] Rot Claus. 18 Rich. II., m. 31. [2] Cal. Inquis. p. m., iii. 219.

exercise of political power, which enabled him to hold the first place in the royal counsels without incurring the jealousy of the people. Few men have lived whose career has displayed such continued exertions for the public good; and none have left so many examples of practical wisdom and well-applied munificence.

He was born at Wykeham, in Hampshire, between July and September, 1324, 18 Edward II.: and notwithstanding some doubts which have been expressed on the subject, we think that the evidence supports the presumption that the name of his birth-place, by which he is known, was not that of his family. The fact that several whom he acknowledges as his kinsmen bore the same name, would only be conclusive of the contrary, if it could be shown that they were so called at an early period of his life; but, as the first notice of any of them does not occur until long after he had acquired eminence, it will readily be conceived that, in an age when surnames were frequently changed, all those who could claim relationship with him would, with his consent, be desirous of assuming the name which he had made illustrious, and of thus preventing any doubt of their connection with him. Of this we have an instance before his death, in his great nephews, who threw aside the name of their father, William Perrot, and were admitted, under the name of Wykeham, as fellows of the college which he founded. Another of his kindred, John Fyvyan, made the same alteration; so that we may fairly conceive that the rest would adopt a course which, while it gratified their renowned patron, would tend to promote their own interests.

The bishop mentions his father and mother only by their christian names, John and Sybil; and we differ from Dr. Lowth's inference, that their surname was therefore the same as his own. It seems to us that the omission rather shows a desire to avoid the revival of a name that had been dropped.

That his father's name was not Wykeham is proved by the almost contemporary testimony of a pedigree in which Alicia is called the sister of *John Longe*, the father of William Wykeham, Bishop of Winchester. The same pedigree says, that this John Longe had a brother named Henry Aas; a further proof that members of the same family were then distinguished by different surnames. Felicia Aas, one of this Henry's daughters, is distinguished from the other nuns of Romsey Abbey by a large legacy in Wykeham's will.

His parents were of good reputation and character, but not sufficiently prosperous in their circumstances to be able to advance the education of their son. His mother was of gentle extraction, being the daughter of William Bowade, whose wife was the daughter of William and Amicia Stratton, of Stratton, near Selborne. The date of their deaths is not mentioned; but that they and his sister were buried in the church of Suthwyk Priory, not far from Wykeham, appears from a payment made by the bishop's executors for the roof of the vault in which their remains were deposited.[1]

Tradition says, that Nicholas de Uvedale, lord of the manor of Wykeham, and governor of Winchester Castle, was the benefactor who sent him to school at Winchester; and it is recorded that he afterwards acted as the governor's secretary. There is no evidence whatever of his having studied at either university, although some writers have stated that he was at Oxford for nearly six years. The presumption is strongly in opposition to this assertion: but whatever he lost of scholastic knowledge by the want of that advantage, was more than compensated by the zeal and industry with which he pursued the sciences which were more practically useful; in the acquisition of which he evinced so much mastery, and in their application so much taste, that he was soon, by the

[1] Archæol. Journ. iii. 221.

recommendation of his first patron, distinguished by the notice of William de Edington, Bishop of Winchester; who, finding his personal merits equalled the talents he exhibited, employed him in his service, and availed himself of his architectural talents in the improvements he projected at Winchester.

As Bishop Edington had not possession of his see till February, 1346, 20 Edward III., Wykeham was then little more than twenty-one years of age. How soon that prelate commenced his alterations in the cathedral is not precisely known, and the date of Wykeham's introduction to the king remains in doubt. There is, however, a record of a beneficial grant to him, in 1350, of the custody of the manor of Rokeford, in his native county, at a small annual rent, until the heir of Sir William Bottreaux attained his majority[1]; but this he might owe as well to the intercession of his patron the bishop as to the personal favour of the king.

There is no record of his actual employment for the next six years, except that he was attorney for the bishop, in 1352, in taking possession of certain lands; but it is suggested that he probably assisted in the erection of the great tower at Windsor Castle, called the Tabula Rotunda, about which the king was then engaged. His merits must have been prominently displayed at an early period; as on May 10, 1356, when he had not reached his thirty-second year, he had advanced so far as to be placed in the responsible position of clerk of all the king's works in his manors of Henle and Yestampsted. There is a curious entry on August 20, in that year, of an allowance to him of 2*l.* 10*s.* for the keep of the king's eight dogs at Windsor for nine weeks, taking for each dog three farthings a day, and twopence a day for a boy to keep them.[2] In the following October he was appointed surveyor of the works at the castle and in the park of

[1] Abbrev. Rot. Orig. ii. 209.

[2] Pell Records, iii. 163.

Windsor, with power to press artificers and provide materials and carriages; and with the then liberal payment of two shillings a day besides extra allowances. In the next year the sale of all the beasts in Windsor Park was committed to him and two other persons[1]; and in 1354 he had another royal patent, constituting him chief custos and supervisor of the Castles of Windsor and Ledes, and of the manors and parks belonging to them. During this period he projected and accomplished those splendid works at Windsor Castle which at this day give celebrity to his name. Queenborough Castle, erected under his direction between 1361 and 1367, showed his extraordinary skill and abilities as an architect, but no longer exists as an example of them.

This, however, is not the place to enlarge on his architectural excellences, although to them, and his readiness in executing the king's magnificent projects, he no doubt primarily owed his future fortunes. But we know too much of Edward's character to suppose that these alone would have been sufficient; and it is evident that Wykeham must have exhibited other qualifications of greater weight to have suggested his employment in the important offices, both lay and ecclesiastical, which he was called upon to fill.

It seems probable that Bishop Edington induced him to take the clerical tonsure; for he is called "clericus" as early as 1352: and in 1359 the king describes him as "clericum suum," showing he was then one of the royal chaplains. He was not ordained priest till June 12, 1362. Before this he had received in succession, from the king's presentation, the rectory of Pulham, in Norfolk, in 1357; the prebend of Flixton, in Lichfield Cathedral, in 1359; and in the next year the deanery of St. Martin's-le-Grand, in London. The latter he retained for three years; during which he gave

[1] Pell Records, iii. 244.

the first proof of his liberality by rebuilding the cloisters of the chapter house and the body of the church.[1] In 1363 he became Archdeacon of Northampton, which he exchanged for that of Lincoln; and, according to Le Neve, was also Archdeacon of Buckingham.[2] In addition to these benefices he received several other prebends and livings, the list of which is contained in the certificate delivered in October, 1366, by virtue of the pope's bull requiring a return of all pluralities. The value of the whole is stated to have amounted to the gross sum of 873*l.* 6*s.* 8*d.*; an enormous provision in those days, even on the assumption, suggested by Dr. Lowth, that he held high offices in the state, and was designed for the earliest vacancy on the episcopal bench. But it is truly said that he only received the revenues of the Church with one hand to expend them in her service with the other.

During this period he had been appointed, in 1361, custos of the forests south of the Trent, in conjunction with Peter Attewode[3]; and on April 2, 1364, he is described as holding the office of keeper of the Privy Seal.[4] Although the pope addresses him in the following June as the king's secretary, he did not fill that position till two years afterwards, holding it with the Privy Seal, which he retained till he was appointed chancellor. In 1365 he was one of the commissioners to treat of the ransom of the king of Scotland, and the prolongation of the truce with that country; and, besides many records of his presence in the king's council, his influence with his royal master is evidenced by the expression of Froissart, that at this time "everything was done by him, and nothing was done without him." In his letters of pardon in 1 Richard II., he is described as being at that period

[1] Monast. vi. 1323.
[2] Le Neve, 156. 162. 167.
[3] Abbrev. Rot. Orig. ii. 263.
[4] Pell Records, iii. 182.

"clericus privati Sigilli, et capitalis secreti consilii, ac Gubernator magni consilii."[1]

The death of Bishop Edington on October 7, 1366, enabled King Edward to gratify his wishes by rewarding Wykeham with the vacant see of Winchester. Within three weeks his election by the prior and convent had been approved by the king; and although his consecration did not take place till October 10, 1367, the postponement was not occasioned by any objection which the pope raised to the individual, but by his disinclination to recognise the disposal of so valuable a preferment without his previous sanction. This is manifested by the pope's bull of December 11, 1366, appointing him administrator of the spiritualities and temporalities of the vacant see; by the flattering manner in which he speaks of him in that document; and by various letters to him from the pope, one even, pending this discussion, bespeaking his interest in the English court.[2]

The accommodation of this dispute having been effected, the pope issued his bull on July 14, 1367, permitting the consecration. Before that ceremony had been performed, and while Wykeham was still bishop elect, he was constituted chancellor in the place of Simon Langham, Archbishop of Canterbury. The date of his appointment does not appear; but Mr. Hardy fixes it between the 10th and 17th of September. On the 16th he is so called in a grant of free-warren to Archbishop Islip.[3]

He held this high dignity for three years and a half. During his administration King Edward resumed the title of King of France, which he had dropped for nine years, and renewed the war with some disadvantage. The chancellor's speeches on opening the parliament were distinguished by the omission of quotations from Scripture, which his prede-

[1] Rot. Parl. iii. 388.
[2] N. Fœdera, iii. 708. 738. 817.
[3] Cart. 41 Edw. III., n. 4.

cessors had been in the habit of introducing into their addresses, and by his confining them in a judicious and business-like manner to a clear statement of the emergencies of the state, and a lucid exposition of the object of their assembling. His removal from the office arose from the necessity the king felt of giving way to the repeated representations of the Lords and Commons that the affairs of the kingdom were prejudiced by the government being always in the hands of the Church; and he accordingly made room for a lay chancellor, Sir Robert de Thorpe, by resigning on March 24, 1371.[1]

He still, however, retained the confidence of his sovereign, and faithfully sided with him in his declining years, when the Duke of Lancaster and Alice Perrers were taking advantage of his weakness, and assuming the government of the kingdom. When the Prince of Wales, then in a desperate state of health, made a strong effort in the "good parliament" of 1376 to break this party, the bishop was one of the council then appointed to advise the king; and on the prince's death in June, Richard his son was declared Prince of Wales.

No sooner was the parliament dismissed than the duke and his adherents resumed their power, and vented on the bishop part of their resentment. They exhibited against him seven charges of crimes alleged to have been committed during his administration, on which they relied so little as to offer no proof in their support; but added an eighth, as to cancelling a roll, and reducing a fine from 80*l.* to 40*l.* in favour of John Grey, of Retherfeld. Upon this trifling charge his temporalities were adjudged, on November 17, to be seized into the king's hands, and he was forbidden to come within twenty miles of the court. The further proceeding thereon

[1] Rot. Claus. 45 Edw. III., m. 35.

had been adjourned till January 20, 1377; but it was never brought to a hearing, although the Duke of Lancaster, in the parliament of that month, procured his exception from the general pardon then granted to all offenders on occasion of the jubilee of the king's reign. From this parliament the bishop had been excluded; but the convocation, to which he had been summoned as usual by the mandate of the Archbishop of Canterbury, made strong representations to the king of the injuries which the bishop had unjustly suffered. The duke induced the king, instead of complying with the clergy's petition, to grant the temporalities of the bishoprick to the Prince of Wales; but the people were so little satisfied with these proceedings, that they attacked the duke's palace and insulted his person, refusing to desist unless he would suffer the bishop to be brought to his answer, and be judged according to law. The effect of this was the restoration of the temporalities on June 18; for which, however, a contribution to a considerable amount in ships and men, towards the defence of the kingdom, was demanded from him. The total extent of his disgrace, therefore, did not exceed seven months.

Three days afterwards King Edward died; and one of the earliest acts of the new reign was to pronounce the bishop's pardon in the fullest and most extensive terms, declaring him wholly innocent and guiltless of all the matters alleged against him, and remitting the burdens to which he had been subjected[1]; a proceeding which was ratified and confirmed by the petition of the Commons in the next parliament.

The confidence of the parliament in the bishop's integrity was still further evinced, in 1380, by his being appointed one of the commissioners to enquire into the abuses of the late and the present reigns; and afterwards to investigate the

[1] Rymer, vii. 163.

causes of the great insurrections which had recently disturbed the kingdom: Indeed, his influence with both the Lords and the Commons is apparent by their frequent recurrence to him on points of difficulty, availing themselves of his wisdom and experience, and giving to his advice that weight and authority which in such times could have been only secured by the complete reliance they had on his honesty and prudence.

Although avoiding as much as possible any unnecessary interference in state affairs, such was his reputation, that, in the subsequent contests occasioned by the extravagance and weakness of the king, the bishop was always one of the persons appointed by the popular party to check the royal prerogative and control the government expenditure. Yet no proof can be stronger that, in the exercise of these duties, his conduct was tempered with mildness and moderation, than the fact that when King Richard, claiming the rights of his majority, took the government into his own hands, and discharged the officers who had been imposed upon him, he compelled the bishop, much against his inclination, to accept the office of chancellor; and he accordingly received the Great Seal for a second time on May 4, 1389.[1]

His first step was to quiet the apprehensions which naturally arose in the people's minds on the hazardous course the king had taken. He obtained a confirmation of all the pardons granted for the late disturbances, and a suspension of the pressing subsidies that had been imposed. He announced to the parliament the king's desire to preserve peace, to secure to every rank the enjoyment of its privileges, to cause all evils to be redressed, and justice and right to be administered as well to the poor as to the rich; and he acted with so much caution and forbearance, that the Commons, on his resigning the Seal into the king's hands,

[1] Rot. Claus. 12 Rich. II., m. 5.

expressed their approbation of his fidelity and good conduct; upon which he immediately resumed his functions.

During the two years and a half that he retained the Great Seal he had the happiness to restore the public tranquillity so effectually that the parliament thanked the king for his good government; and could he have been induced to remain in office, it is probable that his wise counsels might have checked the king's intemperance, and prevented the fatal consequences that followed. He finally gave up the Seal on September 27, 1391[1], and never appeared prominently in any subsequent political transaction of the reign. He seems to have been still treated with respect by the king, although the party with whom he had acted incurred the royal vengeance; but as a payment for this escape from the reaction by which his friends were sacrificed, a loan of 1000*l.* was extorted from him, which he was not in a condition safely to refuse.

Richard II. resigned his crown on September 30, 1399; and Wykeham, being then very far advanced in years, seems no further to have interfered in public affairs. His coming infirmities had warned him to procure a bull from the pope, enabling him to appoint one or more coadjutors to perform the duties of his diocese when he found himself incapable; and of this he occasionally availed himself during the last two years of his life. Still, however, he continued to transact business till within four days of his death, which occurred at South Waltham on September 27, 1404, when he had attained the full age of eighty years. He was buried in the splendid oratory in the cathedral, which he had erected in the very place where he had been accustomed to perform his daily devotions in his youth.

He had presided over the see of Winchester for thirty-seven

[1] Rot. Claus. 15 Rich. II., m. 34.

years; and notwithstanding his almost constant employment in the public service, he had been unremitting in his attention to his episcopal duties, and in preserving the rights of his church. He was obliged to commence his career by a large demand for dilapidations against the executors of his predecessor and patron, Bishop Edington, who had allowed the buildings to remain in a ruinous condition, and had so far reduced the standing stock of the bishoprick as to create a deficiency in horses, cattle, sheep, and corn to an extent amounting to 1662*l.* 10*s.* But he succeeded in recovering this and other charges without resorting to litigation; and he lost no time in putting all the episcopal buildings into substantial repair, expending therein above 20,000 marks. He next proceeded to correct the abuses of the various religious houses in his diocese; and, in spite of the opposition he met with from those interested, introduced a complete reform in the hospital of St. Cross, the funds of which, by the encroachments of successive masters, had been perverted from the original intention of the founder. The other houses subject to his visitation submitted to his authority, and suppressed the irregularities which he discovered.

But the great and noble object of his life was to found an institution for the education of youth, with the intent of supplying the deficiency in the priesthood occasioned by the recent plagues, which were said to have swept away nine parts out of ten of the clergy. The earlier years of his prelacy were occupied in a careful formation of his plans; and, having fully arranged them, he proceeded to take measures to secure their execution. He determined to erect two colleges; one at Winchester, the place of his own education, for elementary learning; and the other at Oxford, for the completion of the studies and for the provision of the scholars. He commenced the first in 1373 by establishing a temporary school at Winchester for such poor scholars as he chose to

send there; and he prepared for the last, not only by making a similar arrangement at Oxford by forming a society there under a warden, and lodging them in various parts of the city, but by gradually making such purchases as would eventually put him in possession of the site which he had resolved on; so that from the very outset he was devoting his income to this wise and charitable purpose, and raising a supply of occupants for his Oxford College when it was finished.

The erection of the latter was his first care. The foundation stone of New College, or more properly of St. Mary College of Winchester, in Oxford, was laid on March 5, 1380, and the building was finished for occupation on April 14, 1386. The society consisted of a warden and seventy poor scholars, whose studies were specially regulated by statutes, on the preparation of which he bestowed the greatest attention and care. These were amended by him at various subsequent periods, the last of which was in 1400; and, as then enlarged, they still remain in force.

On the completion of this building he began that at Winchester, on the very spot where he had received his own education. The first stone of St. Mary College there was laid on March 26, 1387, and full possession was taken on March 28, 1393. It afforded instruction to seventy poor scholars, and was governed by a warden, with ten fellows, and other officers and masters. The statutes were formed in accordance with those at Oxford, and received similar corrections from his hand.

His laws were found so practically useful, that they were adopted by Henry Chicheley, Archbishop of Canterbury, one of his own scholars, in the foundation of All Souls College at Oxford; and afterwards by King Henry VI. in the colleges of Eton and Cambridge. The bishop himself had the gratification not only of witnessing the full success and good effects of both his establishments, but of selecting

from those who were educated in them men of learning and character to assist him in his business, and to be rewarded with the preferments in his gift.

No sooner had he finished his two colleges, which he most liberally endowed, than he undertook the reparation of his own cathedral, great part of which, being in a very decayed state, he soon found it necessary to rebuild. This he did in a truly magnificent manner; thus occupying the remaining ten years of his life. His works there are most lucidly detailed by Professors Willis and Cockerell in the "Proceedings of the Archæological Institute at Winchester, 1845."

His will is a most extraordinary document, and shows that he preserved to the last that precision and considerate prearrangement for which he was so remarkable. It is of very great length, and the legacies bequeathed by it are numerous and liberal. No person, high or low, who had a claim on his respect or gratitude, or who was attached to his colleges, is omitted; all his connections and his servants are remembered; his piety and devotion are exemplified by various bequests for prayers on his behalf; and due care is taken that charity to the poor shall not be forgotten. In this disposition of his property he was merely carrying on the daily practice of his life. During its whole continuance he seems to have employed his riches in aiding his tenants, advancing his friends, relieving the needy, and in a large and munificent hospitality; besides assisting in the repair of churches, highways, and bridges.

It seems astonishing that there could ever be two opinions as to the meaning of William of Wykeham's motto, assumed no doubt soon after the commencement of his prosperity, —

"Manners makyth man."

It is difficult to suppose that any one could seriously believe that a person of his character intended to intimate that man's

worldly interests are best forwarded by elegant behaviour and general politeness, or that he could possibly be so absurd as to hold himself up as an example of the truth of the sentiment. Without raising the question whether the advocates of this interpretation can produce a single instance in which the writers of the age have used the word "manners" in the sense they ascribe to it, it may be fairly asked, looking a the obscurity of his origin—which he could not hope, and which there is no evidence that he wished, to conceal—and to the active industry and practical employment of his earlier years; and considering the sacredness of his profession, and the frequent and ostentatious use of this motto in his educational colleges;—whether it is not palpable that it was his intention, by its adoption, to inculcate the principle that man's success and estimation, even in this world, depended not on his birth, or his fortune, or his talents, but on his conduct and moral worth.[1]

WINCHESTER, BISHOP OF. *See* W. OF WYKEHAM.
YORK, ARCHBISHOP OF. *See* T. DE ARUNDEL.
YORK, ARCHDEACON OF. *See* W. SKIRLAWE.
YORK, DEAN OF. *See* E. DE STAFFORD.
YORK, SUB-DEAN OF. *See* J. DE WALTHAM.

[1] Life of William of Wykeham, by Dr. Lowth.

HENRY IV.

Reigned 13 years, 5 months, and 20 days; from September 30, 1399, to March 20, 1413.

SURVEY OF THE REIGN.[1]

THE obvious policy of Henry on his assumption of the crown, conscious as he was of the weakness of his title to it, was to avoid alarming his new subjects by any unnecessary innovations; and to make as little change in his officers as possible, especially in connection with the judicature of the country. Consequently we find that, on the very first day of his reign, he re-appointed every judge whom he found on the bench. The tottering condition of his throne, assaulted by the frequent risings of the nobles, induced him also to give an apparently willing ear to every suggestion made by the Commons for the purpose of purifying the administration of justice. Thus, besides several minor instances in the parliaments of the first, seventh, and ninth years, he assented, on their prayer, to the punishment of any judge who took brocage, presents or gifts of any sort beyond the king's fee; and that they should be sworn to observe the laws, and to administer equal justice to all.[1]

We may well believe, however, that the traditionary speech of the king, on the occasion of Chief Justice Gascoigne committing Prince Henry to prison, was prompted by a higher principle than a desire to court the popular feeling. The

[1] Rot. Parl. iii. 433. 585. 588. 626.

history is told in various ways; but the more authentic account seems to be, that the prince, on the arraignment of one of his servants for felony before the chief justice, imperiously demanded his release; and having been refused, with a rebuke for his interference, had angrily drawn his sword on the judge. His passion was instantly checked by the dignified demeanour of Gascoigne, who calmly called on him to remember himself, reminded him of the position in which he would one day stand, and committed him to prison for his contempt and disobedience. The prince submitted at once, and went away in custody: and when the incident was related to the king, he exclaimed, "How much am I bound to your infinite goodness, O merciful God! for having given me a judge who feareth not to minister justice, and a son who can thus nobly submit to it."

That the lawyers were not favourites with the king, or rather, perhaps, that he was somewhat afraid of their powers of investigation, may be presumed from his directions to the sheriffs, in the fifth year of his reign, that no apprentice or man of law should be summoned to the next parliament.[1] This parliament, which has accordingly been designated by the titles of the "lack-learning parliament," "lack-Latin parliament," and "parliamentum indoctorum," was rendered remarkable by the Commons' suggestion to the king, that the easiest and most proper mode of supplying the royal necessities was by seizing the revenues of the clergy; a proceeding which, though not carried into effect, no doubt helped to fix upon them the name by which they were characterised. The king's half-brother, Henry Beaufort, Bishop of Lincoln, was then chancellor; but there is no evidence by which the obnoxious clause in the summons can be attributed to him.

[1] Prynne on Coke's 4th Inst. p. 13.

The Great Seal was held under Henry by six chancellors, all of whom but Sir Thomas Beaufort were ecclesiastics. Their tenure of office extended over the whole of the reign, except about six weeks during which the king retained the Seal in his own possession, and twelve days when the master of the Rolls held it as keeper till a new chancellor was appointed.

Chancellors and Keepers.

John de Scarle[1], who had filled the office of chancellor for the last twenty-five days of the previous reign, no doubt under Henry's nomination, was of course re-sworn on that prince's coming to the crown. After holding the Seal in this reign for about a year and five months,

Edmund de Stafford, Bishop of Exeter, succeeded him on March 9, 1401[2]; and was himself succeeded by

Henry Beaufort, Bishop of Lincoln, half-brother of the king, between February 26 and March 1, 1403[3], who held the seal for about the same period of two years; at the end of which he was translated to the bishoprick of Winchester.

Thomas Langley, then keeper of the Privy Seal, but soon after Bishop of Durham, was next entrusted with the Seal about February 28, 1405.[4] He retained it for nearly two years; his successor,

Thomas de Arundel, Archbishop of Canterbury, receiving it, for the fourth time, on January 30, 1407.[5] He continued chancellor till December 21, 1409; from which day The king retained the Seal in his own hands till Jan. 19, 1410; when he delivered it to

John Wakering, the master of the Rolls, who acted as keeper for twelve days only; at the termination of which

Sir Thomas Beaufort, another half-brother of the king,

[1] Not *Searle*, as he is called by Lord Campbell.
[2] Rot. Claus. 2 Hen. IV., p. 2. m. 3.
[3] Hardy's Catalogue, 47.
[4] Ibid.
[5] Rot. Claus. 8 Hen. 4., m. 23.

and afterwards Earl of Dorset and Duke of Exeter, was constituted chancellor on January 31, 1410 [1], and held the office for nearly two years.

One record occurs during his time of the Great Seal being placed in the hands of John Wakering, M. R., for eight days, from June 12 to June 20, 1411, while the chancellor was greatly occupied with the king's affairs.[2]

THOMAS DE ARUNDEL, Archbishop of Canterbury, for the fifth time resumed the chancellorship on Beaufort's resignation on January 5, 1412 [3], and retained it till the end of the reign.

By the document recording the delivery of the Great Seal to the king by Archbishop Arundel, in 11 Henry IV., it is called "Magnum Sigillum *aureum*." Besides this golden Seal, which was the same as that used by Edward III. and Richard II., the name "Henricus" being substituted for their names, King Henry made a new seal of silver, which Professor Willis calls "the richest and largest of all the mediæval seals of England." It is engraved by Speed and Sandford, and is the first English Seal in which the fleurs-de-lis semée of France are changed for the three fleurs-de-lis which had been adopted by Charles V.[4] It was no doubt for this Seal that "John Edmunds, citizen and goldsmith of London," received, in 1 Henry IV., 13*l.* 10*s.* "for the value or price of ten pounds of silver used in a Great Seal for the Chancery, and for a white seal for the office of Privy Seal, made by the said John for the king's use, according to the form of a certain pattern remaining in the possession of the same John, delivered to him by our lord the king." [5]

The Chancery was still provided for as in former reigns. The chancellor, John de Scarle, appointed Thomas Cam and

[1] Rot. Claus. 11 Hen. IV., m. 8.
[2] Hardy's Catalogue, 48.
[3] Ibid. 12 Hen. IV., m. 9.
[4] Archæol. Journ. ii. 28.
[5] Devon's Issue Roll, 279.

Stephen Grove as purveyors of the victuals for the expense of the house of "our Chancery;" and all sheriffs, bailiffs, &c. were commanded to assist therein.[1]

Each of the three masters of the Rolls of this reign had acted as clerks of the Chancery before their elevation to the office.

Masters of the Rolls.

Thomas de Stanley, who had filled the post during the last two years of the previous reign, continued to occupy it for two years in this. Whether he vacated it by death or resignation does not appear; but

Nicholas Bubbewith, afterwards Bishop of London, Salisbury, and Bath and Wells, was appointed on September 24, 1402.[2] He was succeeded on his retirement by

John Wakering, afterwards Bishop of Norwich, whose patent is dated March 2, 1405.[3] He remained master of the Rolls at the death of the king on March 13, 1413.

Masters in Chancery.

The masters in Chancery who continued in office from the last reign were—

Thomas de Stanley, M.R.	1 to 3	Henry IV.
Robert de Faryngton	1 to 5	—
Richard Ronhale, or Rouhale	1	—
John de Chitterne	1 to 13	—
John de Roderham	1 to 13	—
John Wakering (M. R. 6 Henry IV., afterwards Bishop of Norwich)	1 to 13	—
Nicholas Bubbewith (M. R. 3 Henry IV., afterwards Bishop of London)	1 to 6	—
Simon Gaunstede	1 to 13	—
John Springthorpe	1 to 13	—
John Rome	1 to 13	—
The following were appointed during this reign—		
John Kyngton	2 to 11	—

[1] Rot. Pat. 1 Hen. IV., p. 3. m. 27.
[2] Ibid. 3 Hen. IV., p. 2. m. 3.
[3] Ibid. 6 Hen. IV., p. 1. m. 14.

John Hertelpole - - - - -			7 to 13 Henry IV.
Ralph Grenehurst, LL. D. - - -	12		—
Henry Malpas - - - - -	13		—
William Waltham - - - -	13		—

It may be observed, that Ralph Grenehurst is described as "Legum Doctor;" a degree which many of the masters afterwards held. His appointment was to be "Notarius noster ac unus clericorum nostrorum de primâ formâ," with the usual fees and profits of the office, besides fifty marks a year for his life: and it contains a curious declaration that his being "vinculo matrimoniali ut dicitur astricto" shall not be assumed as a precedent in future.[1] Though styled "master," it may be presumed from this fact that he had not taken clerical orders; and if so, he probably is the first example of a layman holding the office.

The masters were called upon to contribute to the king's expenses by loans. In 13 Henry IV. we have a document by which the repayment of 500 marks so advanced by them is arranged.[2]

It is evident from the exception to the prayer of the Commons, in 2 Henry IV., for a discontinuance of all manner of liveries and signs, that the clerks of the Chancery were provided by the king with robes, "livere de drap," as well as the judges.[3]

In the regulations concerning dress, in 4 and 8 Henry IV., a distinction is drawn between the *masters* of the Chancery, who are placed before the chancellor and barons of the Exchequer, and the *clerks* of the Chancery and the Exchequer, who are placed in the same grade with apprentices of the law[4]; the former being those who have been before described as "clerici de primâ formâ."

In the eleventh year of this reign there is an entry on the

[1] Discourse on Master of the Rolls, p. 45. *n.*
[2] Rymer, viii. 762.
[3] Rot. Parl. iii. 578.
[4] Ibid. 506. 593.

Patent Roll for providing for the carriage of the Rolls and records of the King's Bench from Westminster to Bristol [1], where probably the court was held for a short time.

Chief Justices of the King's Bench.

The only chief justices of the Court of King's Bench during the reign of Henry IV. were

Sir Walter de Clopton, who had filled the office since the disgrace of Sir Robert Tresilian in 11 Richard II., and who retained it for about fourteen months under his successor.

Sir William Gascoigne received his patent on November 15, 1400, 2 Henry IV., and continued chief justice till the king's death.

In 4 Henry IV. the Commons having prayed that the chief justice of the King's Bench should not be a judge of assize in any county, nor any where else than in his own court, the king answered that it should remain as heretofore; but in 13 Henry IV. it was declared that he should only take assizes in Lancashire, but that the chief justice of the Common Pleas should act in any county.[2]

Justices of the King's Bench.

I. 1399. Sept. 30. John Hill, Hugh Huls, — the two puisne judges of this court at the end of the last reign, received a renewal of their patents at the commencement of this.

X. 1409. May. Robert Tirwhit, loco J. Hill.

Thus there were only two puisne judges of the King's Bench during the whole reign: at its termination the court consisted of

William Gascoigne, chief justice,
Hugh Huls, Robert Tirwhit.

[1] Cal. Rot. Pat. 256.

[2] Rot. Parl. iii. 499. 661.

CHIEF JUSTICE OF THE COMMON PLEAS.

WILLIAM THIRNING, who was re-appointed at the beginning of this reign, was the only chief justice of the Court of Common Pleas during its continuance.

JUDGES OF THE COMMON PLEAS.

I. 1399. Sept. 30. William Rickhill, John Markham, William Hankford, William Brenchesley, } were all continued in their places as judges of this court.

VI. 1405. May 14. John Cokayn, who still retained his office of chief baron of the Exchequer.

VII. 1406. June 17. John Colepeper, loco W. Brenchesley.

IX. 1408. May 14. Robert Hill, loco J. Markham.

The ordinary number of judges of the Common Pleas during this reign, including the chief, was five; but John Cokayn, the chief baron, was added in 6 Henry IV; after which there were six till the death of William Rickhill, when they were again reduced to five. This we may consider the established number; as we find 1*l.* 13*s.* 4*d.* paid in 14 Henry IV. "for a side cushion or carpet, a bench, and *five* cushions worked with the king's arms to be placed about and hung at the back of the king's justices' seat of his Common Bench within Westminster Hall."[1]

At the death of the king the court consisted of
William Thirning, chief justice,
William Hankford, John Colepeper,
John Cokayn, Ch. B. E., Robert Hill.

That the barons of the Exchequer, except the chief baron, were not now, any more than in the reign of Edward III.[2], considered judges according to the ordinary acceptation, appears from an answer to a petition of the Commons in 4 Henry IV., by which it was ordered that in every special assize against a disseisor by forcible entry there should be named one of the judges of the one bench or the other, or the chief baron of the Exchequer if he be a man of the law.[3]

[1] Devon's Issue Roll, 428.
[2] See Vol. III. p. 348.
[3] Rot. Parl. iii. 498.

Sir John Cokayn went the circuit as chief baron before he was made a justice of the Common Pleas; but no instance occurs in this reign of a puisne baron doing so.

Chief Barons of the Exchequer.

John Cassy, the chief baron at the time of the deposition of Richard II., was re-appointed by Henry IV.; but dying in the following year,

John Cokayn was placed in the office on November 15, 1400. In 1405 the duties of a judge of the Common Pleas were imposed upon him in addition; from which it may be inferred that those of the Court of Exchequer were not of a very onerous description. He held both offices till the end of the reign.

Barons of the Exchequer.

The two puisne barons at the end of the last reign received new patents from King Henry: viz.—

I. 1399. Sept. 30. Laurence de Allerthorpe, as second baron.
William Ford.

Two others were appointed on the same day, viz.
Thomas Ferriby, as third baron.
John Staverton.

II. 1401. June 27. Thomas de Tuttlebury, loco L. de Allerthorpe.
III. William Ermyn, loco ? T. Ferriby.
1402. Jan. Thomas Overton, loco ? W. Ermyn.
IV. 1403. March 1. Roger Westwode, loco T. de Tuttlebury.
VIII. 1407. Henry Merston, loco ? W. Ford.[1]
IX. Nov. 8. Henry Somer, loco ? T. Overton.
XI. 1410. June 19. Richard Banke, loco ? H. Somer.

The number of barons during this reign was five; and at its close they were,

John Cokayn, chief baron,

Roger Westwode,	Henry Merston,
John Staverton,	Richard Banke.

[1] W. Ford was still a baron in 5 Henry IV. There are no entries on the Liberate Roll of the 6th, 7th, and 8th years; but on that of the 9th Forde is omitted and Merston inserted.

One Henry Bell, styling himself a collector of the customs, about 1402, wrote a long rhyming Latin satire against the Court of Exchequer, which had no doubt visited him with punishment for his misdeeds. After describing its prison, the Fleet, he utters an exclamation which the historian thus translates: —

"Thou curst Exchequer! wondrous woeful place!
What crowds of savages thy walls disgrace!
He whose hard lot confines him to thy dome,
'Mid countless torturers is doom'd to roam." [1]

TABLE OF CHANCELLORS AND KEEPERS OF THE SEAL, AND OF MASTERS OF THE ROLLS.

A. R.	A. D.	Chancellors.	Masters of the Rolls.
1	1399, Sept. 30	John de Scarle	Thomas de Stanley.
2	1401, March 9	Edmund de Stafford, Bishop of Exeter	—
3	1402, Sept. 24	—	Nicholas Bubbewith.
4	1403, Feb.	Henry Beaufort, Bishop of Lincoln	—
6	1405, Feb. 28	Thomas Langley, keeper of the Privy Seal	—
	March 2	—	John Wakering.
8	1407, Jan. 30	Thomas de Arundel, Archbishop of Canterbury	—
11	1409, Dec. 21	resigned	—
	1410, Jan. 19	John Wakering, *Keeper*	—
	31	Sir Thomas Beaufort	—
13	1412, Jan. 5	Thomas de Arundel, Archbishop of Canterbury	—
		The king died March 20, 1413.	

TABLE OF THE CHIEF JUSTICES AND JUDGES OF THE KING'S BENCH.

A. R.	A. D.	Chief Justices.	Justices of the King's Bench.	
1	1399, Sept. 30	Walter de Clopton	John Hill	Hugh Huls.
2	1400, Nov. 15	William Gascoigne	—	—
10	1409, May	—	Robert Tirwhit	—

[1] Andrews' Great Britain, ii. 143.

Table of the Chief Justices and Judges of the Common Pleas.

A.R.	A.D.	Chief Justice.	Justices of the Common Pleas.				
1	1399, Sept. 30	William Thirning	William Rickhill	John Markham	William Hankford	William Brenchesley.	John Cokayn, Ch. B.E.
6	1405, May 14	—	—	—	—	—	—
7	1406, June 17	—	—	—	—	John Colepeper	—
9	1408, May 14	—	—	Robert Hill	—	—	—
11	1409, Dec. 31	—	—	—	—	—	—

Table of the Chief Barons and Barons of the Exchequer.

A.R.	A.D.	Chief Barons.	Barons of the Exchequer.			
1	1399, Sept. 30	John Cassy	Laurence de Allerthorpe	Thomas Ferriby	William Ford	John Staverton.
2	1400, Nov. 15	John Cokayn	—	—	—	—
	1401, June 17	—	Thomas de Tuttlebury	—	—	—
3	?	—	—	William Ermyn	—	—
	1402, Jan.	—	—	Thomas Overton	—	—
4	1403, March 1	—	Roger Westwode	—	—	—
8	1407,	—	—	—	Henry Merston	—
9	Nov. 8	—	—	Henry Somer	—	—
11	1410, June 19	—		Richard Banke	—	—

In the commissions to the judges to take assizes in the different counties, serjeants were frequently joined with them. The Year Books furnish us with the names of Hill, Frisby, Skrene, and Norton.

An entry among the ancient records of the city of Canterbury shows that in 1402 the sum of eight shillings was paid for the letters patent for the judges to deliver the gaol; and that 1*l.* 6*s.* 8*d.* was expended in an entertainment to them and their associates, and 1*l.* 3*s.* 4*d.* in gifts to them and their clerks.[1]

ATTORNATI REGIS.

DUGDALE names the following as holding the office of attorney-general: —

I.	1399. Sept. 30.	William de Lodington, called serjeant 12 Hen. IV., and made a judge of the Common Pleas in 3 Henry V.
III.	1401.	Thomas Cowley, probably Coveley, who held the office under Richard II.
IX.	1407. July 13.	Thomas Dereham; who was superseded by
	Aug. 17.	Roger Hunt. One of this name, probably his son, was made a baron of the Exchequer in 17 Henry VI.
XI.	1410.	Thomas Tickhill.

It seems probable that there was an advocate for the king in each of the two courts of common law; as Lodington is stated to have been appointed for the Common Bench, and Cowley for the King's Bench; and the closeness of the dates of the two patents of Dereham and Hunt arises apparently from such an arrangement.

SERJEANTS.

THE serjeants whose appointments are mentioned in this reign are divided nearly equally into serjeants-at-law summoned by special writ, and king's serjeants by royal appoint-

[1] Hasted's Kent, xii. 615.

ment. The latter are distinguished in the following list by the addition of a K; and those who afterwards became judges are marked with a *.

I. 1399.	* William Gascoigne, K.,	William Hornby, K.
	* Robert Tirwhit, K.,	* Robert Hill, K.
III. 1401.	John Read,	William Frisby.
IV. 1402.	Thomas Tildeslegh, K.,	* John Colepeper, K.
IX. 1407.	* Richard Norton, K.	
X. 1408.	William Skrene, K.	
XII. 1410.	* John de Preston,	John Barton, jun.
	* William Lodington,	Walter Askham.
	* James Strangeways,	* John Martin.
	* William Cheyne,	William Wynard.

The appointment of William Skrene as king's serjeant was a selection between him and Roger Horton, offered to the king by the chancellor to supply the place of Robert Tirwhit made a judge of the King's Bench, and is notified in the king's letter in answer, dated May 9, 10 Henry IV.[1]

It would appear that Walter Askham, summoned in 12 Henry IV. to take the degree of serjeant-at-law, had disobeyed the writ or got himself excused; inasmuch as in the demise of Serjeants' Inn six years afterwards, in 4 Henry V., he is distinctly described as "apprentesio legis."[2] Barton, Martin, and Wynard, as we shall see in the next reign, refused to obey the writ.

When the king required money for his emergencies the serjeants were not exempted from contributing. We find loans of 100*l.* from no less than ten in the fourth year of the reign.[3]

There is no evidence or appearance of the serjeants being yet established in an inn of their own. The now-called Serjeants' Inn in Chancery Lane, which at the beginning of this reign was the residence of John de Scarle, the chancellor,

[1] Rymer, viii. 584.
[2] Dugdale's Orig. 143.
[3] Acts of Privy Council, i. 202.

was occupied after his death by Robert Faryndon, one of the clerks of the Chancery, to whom the Bishop of Ely had granted an annuity of 6*l.* 13*s.* 4*d.* charged upon the premises. It then received the name of Faryndon Inn, which it retained for some years, although that person, who was probably dead, certainly no longer resided there in 7 Henry IV., 1405. For half of that year the inn was vacant, and in the next it was granted to "a certain clerk of the Chancery by precept of the Lord," meaning the bishop. Dugdale is of opinion that before the end of the reign the serjeants had lodgings here, because the chamber of one of them is mentioned in the second year of the next reign; to which therefore we shall defer our further account.[1]

COUNSEL.

THE advocates mentioned in the Year Books of Henry IV. are the following. The initials added to the names show the courts to which those who became judges were first appointed.

Alexander,
Askham,
Bird,
Burgh,
Burton,
Burton, jun.,
Cheyne, K. B.,
Clopton,
Cokaine, Ch. B. E.,
Col. Culpeper, C. P.,
Conington,
Danby, C. P.,
Frisby,
Fulthorpe, C. P.,
Graie,
Hals, C. P.,
Hill, R. C. P.,
Horneby,
Horton, R. K. B.,
Ireby,
Juin, June, C. P.,
Lodington, C. P.,
Lopham,
Martin, C. P.,
Maunston,
Nedham, C. P.,
Norton, Ch. C. P.,
Pawlet,
Persay, Th.,
Pole, K. B.,
Preston, C. P.,
Reade,
Rolfe,
Russell,
Skrene,
Sparow,
Stourton, T.,
Stourton, W.,
Stur, (qu. the same?)
Strange, (qu. Strangeways?) C. P.,
Tik, (Tickill)
Tildesley,
Tirwhit, C. P.,
Tremayne,
Wakefield,
Westbury, K. B.,
Weston,
Wynard.

[1] Dugdale's Orig. 332.

There is no direct evidence of the existence during this reign of any of the four modern *Inns of Court* as legal seminaries.

In Michaelmas, 2 Henry IV.[1], 1400, an action for battery was brought by *a* (not, as Mr. Pearce says[2], *the*) chaplain of GRAY'S INN; but as there was a chapel on the property before it is pretended that students of the law were established there, the case in no wise touches the question. Markham, the judge who presided, is one of the supposititious readers mentioned in the Gray's Inn MS.; but he is quite silent as to his connection with the house.

Some notice occurs, however, of two of the modern inns of Chancery; viz., Clifford's Inn and Furnival's Inn.

That CLIFFORD'S INN was in this and the following reigns an independent school for the students of the law, and was not connected with, much less subjected to, the Inner Temple, may be presumed from two facts: first, that we have no evidence whatever of the Temple having acquired the superiority as an inn of court which it afterwards attained, nor of its having yet been divided into two societies; and secondly, that one of the members of Clifford's Inn was called to the degree of serjeant-at-law from that house without the intervention of any other. This appears from a memorandum in the Common-place Book of T. Gibbon[3]: —

"Upon Clifford's Inn hall window is a coat of arms, azure 3 fesse or, betuin 8 golden keys, 3, 2, 2, 1, with this inscription: —Will. Screen, electus et vocatus ad statum et gradum servientis ad legem extra hospitium istud et non aliunde, vixit temp. R. II., Hen. IV., and Hen. V."

The arms still exist on the window of the present hall; but the inscription no longer remains; having probably been removed to accommodate the glass to its present position.

[1] Year Book, 2 Hen. IV., fo. 8.
[2] Pearce's Inns of Court, 316.
[3] Ibid. 261.

William Skrene, as we have seen, was appointed one of the king's serjeants in 10 Henry IV.; and we find by the Year Book that he was afterwards joined in commissions of assize.[1]

FURNIVAL'S INN, situated in Holborn on the east side of Gray's Inn, was the residence of the Lords Furnival. That family became extinct in the male branch in 1383, 7 Richard II.; but Thomas Nevill, the husband of the last baron's daughter, was summoned to parliament by the same title. On his death in 1406, 8 Henry IV., it would seem that the house was let by the family to students of the law, as their occupation of it is mentioned in the steward's accounts of the following year. It afterwards became an inn of Chancery attached to Lincoln's Inn; and was probably one of those existing when Fortescue wrote. We shall find that it was purchased by that society in the reign of Edward VI.

In the Year Book of this reign, though there are some reports of every *year*, no less than twenty out of the forty-four *terms* of which it consisted are entirely omitted.

The second century of the Reports of David Jenkins also contains several cases throughout the reign, except in the 4th, 5th, 12th, and 13th years.

[1] Year Book, 11 Hen. IV., fo. 17. 26

BIOGRAPHICAL NOTICES

OF

THE JUDGES UNDER THE REIGN OF HENRY IV.

ALLERTHORPE, LAURENCE DE.

B. E. 1399.

See under the Reigns of Edward III. and Richard II.

THE surname of Laurence de Allerthorpe was no doubt derived from the village in Yorkshire so called. There is no account of his family; but it is evident that his early life was spent as a clerk in the Exchequer. In 44 Edward III., 1370, we find him an auditor of that department, receiving 10*l.* a year for his salary, together with sixty shillings for his expenses in going into the northern counties to affeer amercements.[1] An ecclesiastic, like his brethren, he obtained the preferment of a canonry in St. Paul's.

On September 27, 1375, 49 Edward III., he was constituted a baron of the Exchequer. This office he retained during the remainder of that reign, the whole of the next, and for nearly two years of that of Henry IV.; during the last twelve years holding the higher position of second baron.[2]

Having now sat upon the bench for above a quarter of a century, he was advanced, on May 31, 1401, 2 Henry IV., to the treasurership, more with the view, we conceive, of conferring an honour on the close of a long life spent in the

[1] Issue Roll, 44 Edw. III., 143. 404.

[2] Dugdale's Chron. Ser.

public service than of reaping any benefit from his experience. He held it rather less than a year; and then accompanied the king's son, Thomas of Lancaster, to Ireland.[1] Dying on July 21, 1406, he was buried in St. Dunstan's chapel in St. Paul's Cathedral. Shortly before that event he is stated to have been the sole residentiary there; and to have had the whole revenue of the thirty canons at his own disposal, in consequence of all his brethren being excluded by the pope's bull from participating on account of their non-residence.[2]

ARMYN. *See* W. ERMYN.

ARUNDEL, or FITZ-ALAN, THOMAS DE, ARCHDEACON OF TAUNTON; BISHOP OF ELY; ARCHBISHOP OF YORK, and OF CANTERBURY.

CHANCELLOR, 1407.

See under the Reign of Richard II.

THE family name of this eminent prelate was Fitz-Alan; but according to the common practice of the time, especially among the clergy, he adopted that of Arundel, from his birth-place or his father's title. He was the third son of Richard, Earl of Arundel, and Eleanor his second wife, who was the fifth daughter of Henry Plantagenet, third Earl of Lancaster, and the widow of John, Lord Beaumont. He was born about the year 1352; but, being educated for the priesthood, soon found the benefit of his noble connections, by being made Archdeacon of Taunton in 1373, and Bishop of Ely in 1374, before he was of canonical age for either preferment.

He does not appear to have taken any active part in public affairs during the remainder of the reign of Edward III.; but in each of the parliaments of the first ten years of that of Richard II. he was regularly appointed one of the triers of

[1] Rymer, viii. 227.

[2] Weever's Fun. Monum. 366.

petitions; being also in the fifth year a member of the council assigned to enquire into the king's household.[1]

Attached to the party of the Duke of Gloucester, he assisted that prince in rectifying the misgovernment of King Richard, and opposing the unworthy favourites of that unfortunate monarch. His application in behalf of the Bishop of Norwich, and his indignant retort to the chancellor, Michael de la Pole, Earl of Suffolk, have been already related.[2] On the disgrace of that earl, Arundel was appointed chancellor in his stead on October 24, 1386[3]; and in the following month was passed the act which placed the royal authority in the hands of eleven commissioners. The bishop's name does not appear in the original commission; but he was either afterwards added, or he acted under it as chancellor. In the next parliament he presided, when his predecessor, and the Duke of Ireland, Alexander Neville, Archbishop of York, Chief Justice Tresilian, and Nicholas Brambre were charged with high treason. One of the immediate effects of their conviction was his own appointment to fill the vacant archbishoprick of York, the pope's bull for his translation to which was dated April 3, 1388.[4]

He had governed the diocese of Ely above fourteen years, during which he nearly rebuilt the episcopal palace in Holborn, and was otherwise a liberal benefactor to his church, presenting it, among other things, with a curious table adorned with gold and precious stones, which had been given by the King of Spain to Prince Edward, from whom he had purchased it.

Soon after the temporalities of the archbishoprick were restored to him, he retired from the chancellorship, being succeeded in that office on May 3, 1389, by William of

[1] Rot. Parl. iii. 4. 101, 215.
[2] See antè, p. 73.
[3] Rot. Claus. 10 Rich. II., m. 35.
[4] Rymer, vii. 574.

Wykeham, Bishop of Winchester.[1] On the resignation of that prelate, however, the Great Seal was again entrusted to him on September 27, 1391.[2] On each of his appointments as chancellor he received a patent from the king, in which he is addressed as "carissimi consanguinei," stating, that as he has no domains or villas pertaining to his bishoprick near London, where his people, family, and horses can be entertained while he is in the office of chancellor, the king assigns to him for his livery, by virtue of his office, the villas and parishes of Hakeney and Leyton on the first occasion, and Stebenhyth on the second, so that his people, &c. may be entertained therein liberally and without impediment.[3]

There is a curious instance of the application of the word "uncle" in a letter addressed to him by Henry of Lancaster, Earl of Derby (afterwards Henry IV.), enclosing a petition in Chancery from one of his tenants, which is among those prefixed to the "Proceedings in Chancery in the reign of Queen Elizabeth," published by the Record Commission, vol. i. p. 7. Henry addresses him as the "Very Reverend Father in God, and his very dear and very entirely well-beloved Uncle." The actual relationship between them was this: Henry's mother Blanch, the wife of John of Gaunt, was the grand-daughter of the archbishop's grandfather, through his mother's elder brother; and was consequently the archbishop's first cousin. It thus appears that it was the custom in that age for children to designate the first cousins of their parents as uncles and aunts; a practice which we find is still prevalent in Wales. The above-mentioned work contains several other interesting specimens of bills and petitions to him as chancellor.

On the death of Archbishop Courteneye he was translated, towards the end of the year 1396, to the province of Canterbury, being the first instance of a removal from one

[1] Rot. Claus. 12 Rich. II., m. 5.
[2] Ibid. 15 Rich. II., m. 34.
[3] Rymer, vii. 553. 708.

archbishoprick to the other. He thereupon resigned the Great Seal on September 27[1], having held it, on this second occasion, for five years. With the attainment of the highest ecclesiastical position, his prosperity forsook him for a time; for shortly afterwards King Richard, having a subservient parliament, threw off the control of the party of the Duke of Gloucester, and determined to punish all who were implicated in the proceedings against his former favourites. One of the first victims was the archbishop's brother, Richard, Earl of Arundel; and immediately after his condemnation the Commons proceeded, on September 20, 1397, to impeach the archbishop of high treason. The principal charge against him was that being the chief officer of the king, his chancellor, he aided and advised in making the commission in the tenth year of the king's reign, by which the royal authority was in fact placed in the hands of certain lords therein named; and that he put the said commission in execution. This fact, which the archbishop could not deny, being declared to be treason, he was thereupon convicted and sentenced to be banished the realm, and all his property to be confiscated. The king gave him six weeks to depart.[2]

It appears by a patent granting the temporalities of the archbishoprick to Roger Walden, who was then raised to the primacy, that Arundel was created Bishop of St. Andrew's by the pope.[3] There seems, however, some question whether he accepted the appointment, and the probability is that he did not; but there is no doubt that he was kindly treated by the pope, who vainly interceded in his behalf; and that he was in the confidence of Henry of Bolingbroke after that prince's banishment in the next year, and the breach of King Richard's promises to him when his father John of Gaunt died. Arundel joined Henry in his invasion of the

[1] Rot. Claus. 20 Rich. II., p. 1. m. 22.
[2] Rot. Parl. iii. 351.
[3] Rymer, viii. 31.

realm; and, on King Richard's arrest, was placed for a third time in the chancellorship, in August, 1399, holding it, however, for little more than ten days[1]; when, probably for some reason of policy, the Seal was placed in the hands of John de Scarle, the master of the Rolls.

The renunciation of the unfortunate king was made to the archbishop at Conway, and afterwards repeated at Westminster on September 30, when Henry was led by the primate to the vacant throne. He opened the parliament six days afterwards; and was in a short time replaced in full possession of the temporalities of his see, with restitution from Roger Walden who was pronounced an intruder.

The opinions of Wickliffe about this time were gaining ground among the people; and the attempts hitherto made for their suppression by the clergy having proved ineffectual, a statute was passed in the second year of Henry's reign authorising the burning of heretics.[2] Although probably the archbishop was no more guilty than the rest of his episcopal brethren in obtaining this detestable act, he cannot be acquitted of the disgrace of being the first who pressed its execution, and who sullied the English annals by bringing a man for his opinions to the stake. Within a month after the passing of the statute he delivered a priest named William Sautre over to the secular power to undergo the horrible sentence[3]; and ere his career was closed some others suffered under his condemnation.

His strenuous support of the rights of the church was prominently shown in the bold resistance he made to the representation of the Commons to the king in 1405, that the royal necessities might be supplied by seizing on the revenues of the clergy. The king, fearful of offending that order, gave effect to the reprimand pronounced by the archbishop,

[1] Hardy's Catal. p. 46.
[2] Stat. of the Realm, ii. 125.
[3] Rymer, viii. 178.

and the Commons took nothing by their motion. He enjoyed King Henry's favour during the whole of his reign; and was for the fourth time constituted chancellor on January 30, 1407.[1] His continuance in office on this occasion was only till December 21, 1409[2]; but after an interval of about two years he was restored to it on January 5, 1412, and retained it till the death of the king on March 20, 1413.[3]

Thus did he hold the highest judicial office of the realm no less than five times, the aggregate extent of his tenure being eleven years and about eight months out of twenty-six years and a half from his first appointment. We want little further evidence to show that he must have been a man of great vigour and capacity for business; and he left a high reputation as well for learning and intelligence as for personal courage.

That he was not re-appointed chancellor on the accession of Henry V. seems to have arisen from a dispute with the king while he was Prince of Wales. Of this we have no other notice than a reference which was made to it in the instructions given to certain lords in the following reign, with the view of accommodating the contention between the Duke of Gloucester, and Beaufort Bishop of Winchester, the chancellor.[4] It is apparent that the prince had then required Arundel's removal; and it looks as if he took the opportunity of his accession to effect his object. The archbishop's non-appointment may, however, have been caused by his own wish to retire, from feeling the first symptoms of that illness which terminated in his death.

This took place at the rectory of Hackyngton on the 20th of the following February, at the age of sixty-two. His disease was an inflammation of the throat, which increased so much as to prevent his taking any nutriment. The super-

[1] Rot. Claus. 8 Hen. IV., m. 23.
[2] Ibid. 11 Hen. IV., m. 8.
[3] Hardy's Catal. p. 48.
[4] Acts Privy Council, iii. 186.

stition of the time traced its commencement to the day on which he pronounced sentence against Sir John Oldcastle, Lord Cobham, for heresy, and asserted that it was a judgment of God that he, who had deprived the people of food for the soul, should himself suffer for want of food for the body. But whatever may be our own opinions of these persecutions at the present time, we must not judge harshly of those who, brought up with strictness in their religious tenets, would naturally look with abhorrence on, and use every effort to exterminate, those ridiculers of their faith whose constant endeavour was to subvert the principles in which they had been educated, and to slight the authority they had been accustomed to reverence. Persecutor as he undoubtedly was of the opponents of his creed, his conduct in obtaining the bishoprick of London for Roger Walden, who had superseded him at Canterbury, proves that he was not deficient in generosity; and his liberality to the three cathedrals over which he presided, shows that a love of money was not one of his vices. His munificence to Ely has already been mentioned. At York he expended a large sum on the structure, besides presenting many valuable articles for use and ornament. To Canterbury he was equally liberal; and a ring of five bells which he gave is still distinguished by his name. He was buried in the latter cathedral.[1]

Weever quotes some Latin verses in "his grace and commendation;" the following extract from which affords evidence of the estimation in which he was held by his contemporaries:—

"Hic Thomas natus Comitis fuit intitulatus,
Clericus aptatus, Doctor de jure creatus,
Legibus ornatus, facundus morigeratus
Cum Christo gratus, in plebeque magnificatus.
O quam præclarus tam purus et immaculatus
Ad Regale latus tandem fuit illaqueatus."[2]

[1] Godwin de Præsul. 123. 265. 688.

[2] Funeral Monum. p. 226.

BANKE, RICHARD.

B. E. 1410.

See under the Reign of Henry V.

BATH AND WELLS, Bishop of. *See* N. Bubbewith.

BEAUFORT HENRY, Bishop of Lincoln and Winchester.

Chancellor, 1403.

See under the Reigns of Henry V. and Henry VI.

BEAUFORT, SIR THOMAS, Earl of Dorset, and Duke of Exeter.

Chancellor, 1410.

The only lay chancellor in the reign of Henry IV. was Sir Thomas Beaufort, half-brother to the king. He was the third and youngest son of John of Gaunt, Duke of Lancaster, by Catherine Swinford, the widow of Sir Hugh Swinford, Knight, and daughter of Sir Paen Roet, Knight, Guyen king-at-arms, with whom he had long lived in concubinage; but whom, soon after the death of his second wife, Constance of Castile, he married in January, 1396. By this connection he had at that time four children; John, afterwards Marquis of Dorset; Henry, afterwards Bishop of Winchester; this Thomas, and Joanna, afterwards married to Ralph, Earl of Westmoreland. They all bore the name of Beaufort from a castle belonging to the duke in Anjou; and were all legitimated by a statute passed in the parliament that met in January, 1397, 20 Richard II.[1]

Thomas was then a minor, being called "Domicellus" in the record; but two years afterwards we find him receiving a grant from the king of the castle and town of Castle Acre, in Norfolk. The first notice of his knightly career is in 1402,

[1] Rot. Parl. iii. 343.

4 Henry IV., when he was custos of Ludlow Castle, and received 88*l.* 18*s.* 6*d.*, for the wages of himself and his garrison, to resist the invasion of the rebels there.[1] In the following year he was appointed admiral of the fleet towards the north[2], an office which he held for many years; and in 9 Henry IV. was made captain of Calais. That in these commands he exhibited considerable ability as a statesman may be inferred from his being selected as the successor of Thomas de Arundel, Archbishop of Canterbury, on the fourth retirement of that prelate from the office of chancellor.

Sir Thomas received the Great Seal on January 31, 1410.[3] From an entry in the following year it would seem that the duties were not agreeable to him, as he humbly prayed to be discharged. This, however, was refused by his royal brother[4]; and he had completed nearly two years of service before he was allowed to retire. He was relieved on January 5, 1412, when his predecessor, the archbishop, resumed his place. During his tenure of office he had, by the special order of the king and council, a grant of 800 marks per annum besides the accustomed fee.[5] Little other record of his proceedings as chancellor remains than of his opening and adjourning the parliament of November, 1411, 13 Henry IV.[6]; and as an assistant of the Archbishop of Canterbury in trying John Badby for heresy.[7]

On the 5th of July following his resignation of the Great Seal he was created Earl of Dorset; and during the remainder of his life he devoted himself to pursuits more congenial to his taste than the law, distinguishing himself to the last, in the wars of Henry V., as a brave knight and a wise commander. In the first year of that reign he was made lieutenant of Acquitaine. He next was appointed governor of Harfleur on

[1] Devon's Issues of Exch. 295.
[2] Acts of Privy Council, i. 220.
[3] Rot. Claus. 11 Hen. IV., m. 8.
[4] Ibid. 12 Hen. IV., m. 9.
[5] Acts of Privy Council, i. 338.
[6] Rot. Parl. iii. 647. 658.
[7] State Trials, i. 219.

its surrender to the English; and after the battle of Agincourt, October 25, 1415, in which he commanded the rear of the forces, he was constituted lieutenant of Normandy. On the 18th of November in the following year he was raised, in full parliament, to the title of Duke of Exeter[1]; and was also made a Knight of the Garter. Scarcely a year of Henry's reign was unmarked by his prowess, either in Scotland or in France. In all of these encounters he was victorious, except in the battle of Anjou, on April 3, 1421, when the Duke of Clarence was killed, and he was unfortunately taken prisoner.

He was an executor of the will of Henry V.; and on the death of that monarch, in 1422, he was one of the counsellors appointed by the parliament to assist the protectors of the kingdom during the minority of his successor.

The four remaining years of his life were employed in this duty, and in acting in the field in the foolish and unjust war which the English carried on against France; adding to his other honours the office of Justice of North Wales.

He died at his manor of Greenwich on January 1, 1427; and as he left no issue by his wife Margaret, the daughter of Sir Thomas Nevill, of Horneby, his titles became extinct. His remains, according to the directions of his will, were interred at the abbey of St. Edmund's Bury; where, 350 years afterwards, his coffin was discovered among the ruins, and his body was found to be "as perfect and entire as at the time of his death."[2]

BRENCHESLEY, WILLIAM.

Just. C. P. 1399.

See under the Reign of Richard II.

WILLIAM BRENCHESLEY, by his marriage with Joane de Benenden, became lord of the manor of Benenden, near

[1] Rot. Parl. iv. 96.

[2] Dugdale's Baronage, ii. 125. Extract from an account quoted in the *Times* of Oct. 19, 1841.

Cranbrook, in Kent. We have little account of his early career as a lawyer, except that he is mentioned in Richard Bellewe's Reports, and that he was one of the king's serjeants in 14 Richard II.

He attended the parliament of 21 Richard II., and was called upon to say what he thought of the answers which had been given by the judges to the questions proposed to them by Chief Justice Tresilian. He replied that they seemed to him to be good and loyal, and that he should have given the same.[1] His fear of the consequences of expressing a different opinion, and still more his immediate prospect of advancement, probably prompted him upon the occasion; for in Trinity Term in the following year we find a fine acknowledged before him as a judge of the Common Pleas. The date of his appointment is not given.

On the deposition of Richard II., King Henry made him a Knight of the Bath on the day of his coronation, and continued him in his place in the Common Pleas; which he retained till Easter, 1406, 7 Henry IV.[2]

He died on the 20th of May following at his house in Holborn, and was buried in Canterbury Cathedral, where his widow, who lived till 1453, built a small chapel or chantry. They left no children.[3]

BUBBEWITH, NICHOLAS, Archdeacon of Dorset, and Richmond; Bishop of London, Salisbury, and Bath and Wells.

M. R. 1402.

THE earliest notice of Nicholas Bubbewith is as a clerk or master in the Chancery, receiving petitions in the parliament

[1] Rot. Parl. iii. 358.

[2] Dugdale's Orig. 46.

[3] Brydges' Collins' Peerage, ix. 3.; Hasted's Kent, xi. 347.; who both err in calling him *chief* justice. The inscription on his monument in Weever, p. 235., calls him, as he was, justice only.

of September, 1397, 21 Richard II.[1] He soon obtained the usual official preferment by being collated to the Archdeaconry of Dorset on July 9, 1400, to which was added in the following year that of Richmond, which he held, however, for only two days.[2]

He succeeded Thomas de Stanley as master of the Rolls on September 24, 1402[3]; but continued in that office less than two years and a half, resigning it to John Wakering on March 2, 1405.

It was not long before he was raised to the episcopal bench; and he affords a curious instance of one individual presiding over three sees in less than two years. He was elected Bishop of London on May 13, 1406; was translated to Salisbury on August 14, 1407, and to Bath and Wells on April 1, 1408.

We are not informed of the cause of these rapid changes; but that they were made with his own approbation may be inferred from his being raised, during their progress, to the office of treasurer, which he held for about two years.

He presided over the diocese of Bath and Wells more than sixteen years; and his character for wisdom was so well established, that he was one of the prelates sent to Rome in 1414 to assist the cardinals in deciding between the three candidates then contending for the papal chair, when the choice fell upon Martin V.

He is described as a man discreet, provident, and circumspect, both in temporal and spiritual affairs: and while his charity is evidenced by his daily feeding twenty-four men and women, and by his building and endowing a hospital at Wells, his munificence was exhibited in the erection of a handsome library and elegant chapel in his cathedral, and in

[1] Rot. Parl. iii. 348.; where he is by mistake called John.
[2] Le Neve, 281. 325.
[3] Rot. Pat. 3 Hen. IV., p. 2. m. 3.

appropriating to his church the valuable rectory of Buckland Abbas.

He died on October 27, 1424, and was buried in his chapel at Wells.[1]

CANTERBURY, ARCHBISHOP OF. *See* T. DE ARUNDEL.

CANTERBURY, ARCHDEACON OF. *See* J. WAKERING.

CASSY, JOHN.

CH. B. E. 1399.

See under the Reign of Richard II.

WE have no other means of judging of the native place of John Cassy than that arising from the knowledge that he was buried in the church of Deerhurst, in Gloucestershire. His name occurs among the counsel in Richard Bellewe's Reports of the time of Richard II.; and he was raised to the office of chief baron of the Exchequer on May 12, 1389, in the twelfth year of that reign.

He received a new patent on the accession of Henry IV., but died very shortly afterwards; his successor, John Cokayn, being appointed on November 15, 1400. His tomb affords an example of the practice of placing the royal arms on the monuments of persons holding office under the crown; the three lions of England occurring on the brass over his remains.[2]

CLOPTON, WALTER DE.

CH. K. B. 1399.

See under the Reign of Richard II.

THE Cloptons were a knightly family, established in the early part of the reign of Edward III., at Newenham, in the

[1] Godwin de Præsul. 187. 349. 379.; Rymer, viii. 451. 496. 512.; Angl. Sac. i. 571.

[2] Dugdale's Chron. Ser.; Gent. Mag., Feb. 1840, p. 141.

parish of Ashdon, in the county of Essex.[1] They afterwards removed into Suffolk, in which county Sir William, the father of Walter, acted as a commissioner of array.[2]

Walter and his brothers, for some reason not stated, were prohibited from going abroad in 40 Edward III., 1360[3]; and in the same year his name first occurs in the Year Books as an advocate. He was one of the king's serjeants from 1 Richard II., 1377; and is noticed in that character both in Richard Bellewe's Reports and in the Rolls of parliament.[4]

On the eve of the parliament in which Sir Robert Tresilian was impeached, he was raised to the office of chief justice of the King's Bench, his appointment being dated January 31, 1388, 11 Richard II. In the following April he received the order of knighthood, with his robes as a banneret.[5] The first ten years of his presiding in the court produced nothing of consequence; but in the twenty-first year of the reign he was called upon to assist the parliament in the trial of Richard, Earl of Arundel, for high treason. His principal duty, however, seems to have been to caution the unfortunate earl that if he made no other answer to the charges against him than that he had offered, he would be convicted and attainted.[6] But he was soon after placed in a more difficult position; for he was required to say what he thought of the answers given by the judges to the questions propounded to them in 11 Richard II. by Sir Robert Tresilian, by whose removal on that account he had himself been raised to the chief seat. It must be confessed that his answer, that "had he been asked, he should have made the same reply[7]," looks very like an evasion; to be justified, perhaps, by the

[1] Weever's Fun. Mon. 659.
[2] N. Fœdera, iii. 449.
[3] Ibid. 796.
[4] Rot. Parl. iii. 61. 169.
[5] Dugdale's Orig. 103.
[6] Rot. Parl. iii. 377.
[7] Ibid. 358.

consideration of the perilous consequences which might have resulted from his pronouncing a more decided opinion.

Notwithstanding this submission to the pliant parliament of Richard II., Walter de Clopton, although all the acts of that assembly were repealed two years afterwards, escaped the censure of Henry IV.; for he was a trier of petitions in the first parliament of that usurper, and was appointed to investigate the case of Judge Rickhill, whose visit to the Duke of Gloucester while in prison at Calais was made the subject of enquiry. He no doubt felt a real pleasure in receiving the king's commands to acquit him of all criminality therein.[1]

The last judicial business in which we find him concerned is the examination on October 17, 1399, of John Hall, an accomplice in the murder of the Duke of Gloucester.[2] Before the next parliament he had vacated his seat in the King's Bench; and it is stated that "by the piety, mildness, and commendable example of Dr. Robert Coleman, Chancellor of Oxford, he was induced to contemn all worldly vanity, and to become a friar of the Friars Minors."[3] He probably took advantage of the death of Chief Baron Cassy to retire; as Sir William Gascoigne, his successor, was appointed on November 15, 1400, the day on which the new chief baron received his patent.

Lord Campbell, who altogether omits Clopton in his text, mentioning him only incidentally in a note, states that "one of the *first acts* of his (Henry's) reign, was to appoint Gascoigne chief justice of the Court of King's Bench;" adding that "the exact date of his appointment has not been ascertained." But Dugdale gives it as above from the patent by which it was conferred, 2 Henry IV. p. 1. m. 28. His Lordship further suggests, that Sir Walter Clopton was "removed

[1] Rot. Parl. iii. 416. 430. 432.
[2] Ibid. 452.
[3] Blomefield's Norwich, ii. 115.

to an inferior judicial office," and that "Gascoigne's opinions as chief justice are to be found in the Year Books from the very commencement of Henry's reign." When, however, added to the above precision of date, it appears that Clopton is distinctly described *as chief justice* of the King's Bench in the three last pages of the Roll of Henry's first parliament to which we have referred, the loose authority of the Year Book must clearly be discarded; the more especially as the Reports of the first year are miserably meagre, scarcely definite, and of very questionable correctness.

Sir Walter died about 12 Henry IV., 1410[1], and left an only daughter, Alice, who married Thomas Bendyshe, of Barrington, in Cambridgeshire.[2]

COKAYN, JOHN.

Ch. B. E. 1400; *and* Just. C. P. 1405.

See under the Reigns of Henry V. and Henry VI.

COLEPEPER, JOHN.

Just. C. P. 1406.

See under the Reign of Henry V.

DORSET, Archdeacon of. *See* N. Bubbewith.

DORSET, Earl of. *See* T. Beaufort.

DURHAM, Bishop of. *See* T. Langley.

ELY, Bishop of. *See* T. de Arundel.

ERMYN, or ARMYN, WILLIAM.

B. E. 1402.

William Ermyn, or Armyn, was of a Lincolnshire family, possessing property at Osgodby. In 2 Richard II. he was Treasurer of Calais; and in 3 Henry IV., 1402, he is men-

[1] Cal. Inquis. p. m., iii. 335.

[2] Burke's Landed Gentry, 82.

tioned as a baron of the Exchequer. Neither the date of his appointment nor of his death has been found; but he was the ancestor of a knightly family which long flourished in the county.[1]

EXETER, BISHOP OF. *See* E. DE STAFFORD.

EXETER, DUKE OF. *See* T. BEAUFORT.

FERRIBY, THOMAS DE.

B. E. 1399.

SEVERAL members of the family of Ferriby, in Yorkshire, were connected with the Exchequer about this period. Of Thomas de Ferriby, however, nothing appears but that he was a clerk of Thomas Plantagenet, Earl of Buckingham (afterwards Duke of Gloucester), in 6 Richard II.[2] It was not unnatural, therefore, that Henry IV., on ascending the throne, should advance him to be a baron of the Exchequer. His patent is dated October 14, 1399.[3] But of the term of his continuance in the court we have no account.

FITZ-ALAN, THOMAS. *See* T. DE ARUNDEL.

FORD, WILLIAM.

B. E. 1413.

See under the Reign of Richard II.

PRINCE, in his Worthies of Devon, has gratified his desire to enlarge their number by including William Ford, the baron of the Exchequer, among them. But he has effected his object by making him a part of the family of Fulford, of Fulford, in Dunsford, in that county, asserting that "the learned author of the Chronica Series, by some mistake or

[1] Dugdale's Chron. Ser.; Devon's Issues Exch. p. 211.; Cal. Inquis. p. m., iii. 199.; Grandeur of the Law (1684).

[2] Kal. of Exch. ii. 12.

[3] Dugdale's Chron. Series.

other, hath left out the former part of his name." He does not condescend to give us any other authority for this assertion than is contained in the sentence, "for undoubtedly it is this person there intended."

We must be excused, however, from following the reverend author in this instance, not only because he has given us no grounds for our relying on his own representation, but because the error which he charges against Dugdale turns out to be no error at all. That learned compiler has correctly stated the contents of the Records from which he quotes. In all of them the name of the baron is distinctly written FORDE; and beyond this the Liberate Rolls, twice in every year throughout his continuance in office, invariably repeat the same name. The error therefore, if any, of cutting off the first syllable, must either be attributable to the writer of the Records in the transcription, or to the baron himself in adopting the abbreviated appellation.

Now as, by Prince's own account, it appears that the knightly family of Fulford had borne its name through many preceding generations, and as there is evidence to show that the name was well known at the period, it is not easy to adopt either of these suppositions. The transcriber of the Record might have blundered in one or two instances; but it is scarcely possible to suppose that his mistake would have been allowed to extend over fourteen or sixteen years: and that the baron himself should adopt a new name of no significance, instead of one exhibiting an ancient lineage and distinguishing an honourable family, bears on its face such absurd improbability as scarcely to require a serious refutation.

Prince's memoir, even if he were correct as to the individual, is chargeable with another blunder, in making Sir William Fulford the person who pronounced sentence of death on

Archbishop Scrope and the Earl Marshall at York; when it is well known that the knight who did so was a Sir William *Fulthorpe*, who was totally unconnected with the law. This story is told by Prince, merely for the purpose of representing his countryman as possessed of "a stout and brave mind," and as arguing his "boldness and resolution." The same ambition of magnifying his hero has dictated a supposititious account of the baron's education, learning, and success in his profession; of which, even according to his own showing, there is not the slightest evidence, and which in its minuteness exposes the author's ignorance of the period about which he is writing. This habit is far too common; and it is surely better, where history is silent, honestly to acknowledge the deficiency, and not to attempt to embellish the narrative with fanciful representations of supposed facts which would apply as well to any other individual.

The barons of the Exchequer at that period did not occupy the same position in the legal world which they afterwards attained. They were scarcely ever "men of law;" they were not allowed to take assizes; and they generally rose from inferior positions in the department, till they gradually arrived at the office of baron. It is absurd, therefore, to speculate as to the inn of court in which he pursued his studies, when probably he never was admitted into any, and when the sole legal knowledge he would require was confined to the forms and practice connected with the revenue. The consequence is, as will be apparent throughout these volumes, that fewer particulars of the history of the barons can be traced than of any judge of the other courts.

William Ford does not form an exception. Of him we have no other authentic information than that he was constituted a baron of the Exchequer on July 20, 1384, 8 Richard II.; that his patent was renewed on the re-arrangement of the court in the twelfth year; that he was re-

appointed on the accession of Henry IV[1]; and that he ceased to act, whether from death or removal, between the fifth and ninth years of that reign, 1403-1407; his name appearing on the Liberate Roll of the former and not on that of the latter of those years, and the entries for the intervening years not having been found.[2]

GASCOIGNE, WILLIAM.

Cr. K. B. 1400.

ALTHOUGH it is impossible not to participate in the pleasure which Thoresby manifests, as a genuine British antiquary, in enlarging on the particulars of Sir William Gascoigne's life, we cannot but be amused at the same time with the trouble he has taken in his account of Leeds to enumerate the various modes of spelling the chief justice's name; extending even to nineteen. In the comparatively unlearned times in which Gascoigne's family began to flourish, and indeed for a long period afterwards, it would be difficult to find *one* name which was invariably written in the same manner; and the pretences which are often founded in our own age on the peculiar spelling of a surname not unfrequently originate more in the unsettled state of orthography during the succession of the family, than in the superior antiquity of any particular branches of it.

The greater interest that is attached to Sir William Gascoigne's memory arises from his being the first chief justice of whom we have any personal anecdotes; and from the incidents that are related of him not only being creditable to himself as an individual, but from their affording also the first example of that honesty, independence, and courage which should characterise the judicial bench, and of which in

[1] Dugdale's Chron. Series.

[2] I have again to express my gratitude to Mr. T. Duffus Hardy for enabling me to make this statement.

our own days we have so much reason to be proud. The danger is that biographers, in writing the lives of such men, are too apt to draw on their own fancies for the purpose of filling up those details in their career on which history is entirely silent, and to give such an account of their early and intermediate progress as is rather founded on probability than justified by evidence. Of Sir William Gascoigne we know, and we can expect to know, but little, until he became chief justice of the King's Bench.

The family of Gascoigne, the derivation of which is sufficiently shown in the name, is very ancient, no less than seven successive Williams being recorded in the pedigree before the chief justice. The third of these is described as of Harewood, near Leeds, in Yorkshire, whose son acquired Gawthorp in the same parish by marrying the heiress of that manor. There the judge's father was settled, and there the judge was born, as also were his four brothers and two sisters; their mother being Agnes, daughter and co-heir of Mr. Nicholas Franke.

In which of the legal seminaries he received his instruction it is impossible to determine, because the records of none of them extend to so ancient a date. Fuller says he was of the Inner Temple, but adduces no authority; and in the MS. account of Gray's Inn written in the seventeenth century, to which I have before adverted[1], we find his name among the undated and supposed readers of that society.

He was old enough in 48 Edward III., 1374, to be mentioned as an advocate in the Year Books; and his pleadings hold a prominent place in Richard Bellewe's Reports of the reign of Richard II. In the twenty-first year of that reign, 1397, he was appointed one of the king's serjeants[2]; and at

[1] See Vol. III. p. 382.

[2] Dugdale's Chron. Series.

the close of the following year he was among the twenty attorneys assigned for different courts or jurisdictions by Henry of Lancaster, Duke of Hereford [1], on his banishment from the kingdom in consequence of the quarrel with the Duke of Norfolk. The letters patent making this appointment were revoked by King Richard on the death of Henry's father, John of Gaunt, four months afterwards; when the infatuated monarch seized the duke's lands notwithstanding his declaration that Henry's succession to his inheritance should not be interrupted. Gascoigne is mentioned as a trustee of one of the duke's manors in his will [2]; showing therefore that he was in his legal confidence.

Henry IV. had not been fourteen months upon the throne before he had an opportunity, by the resignation of Sir William Clopton, of rewarding Gascoigne for his services. His patent as chief justice of the King's Bench is dated November 15, 1400, 2 Henry IV.[3] All writers acknowledge his legal merit in the ordinary execution of his office; and it was not long before he had occasion to exhibit the higher characteristics of his nature. In 1405 the army raised by Richard Scrope, Archbishop of York, and Thomas Mowbray, Earl Marshall, having been dispersed by the capture of the two leaders, they were taken to the royal presence at Bishop's Thorpe, the primate's palace; when the king commanded the chief justice to pronounce on them the sentence of death. Gascoigne resolutely refused to obey, saying, "Neither you, my lord, nor any of your subjects can, according to the law of the realm, sentence any prelate to death; and the earl has a right to be tried by his peers." The king, however, was not to be stopped, and he found a willing instrument in a knight of Yorkshire, named Sir William Ful-

[1] Rymer, viii. 49.
[2] Testamenta Vetusta, 144.
[3] Dugdale's Chron. Series.

thorpe; a son, we think, of the judge of the last reign, but in no way himself connected with the law.[1]

Henry, on reflection, could not help approving his judge's boldness; and so far from withdrawing his confidence from him, seems to have been in the familiar habit of putting supposed cases for his opinion. According to a Report in Plowden, p. 83., he demanded of the judge "if he saw one in his presence kill J. S., and another that was innocent indicted for it before him and found guilty of his death, what he would do in such a case?" And he answered, "that he would respite judgment, because he knew the party was innocent, and make further relation to his Majesty to grant his pardon; and the king was well pleased that the law was so; but then he could not acquit him, and give judgment of his own private knowledge."

Gascoigne's committal of Prince Henry to prison, related in a previous page[2], must as much have confirmed him in the king's good opinion as it excited universal admiration among all classes of the people, and formed a favourite theme for future poets, dramatists, and painters. The king's conduct on the occasion is equally praiseworthy.

Almost all of his biographers have fixed his death to have taken place on December 17, 1412, 14 Henry IV., and consequently have determined that Shakspeare's introduction of him, as chief justice to Henry V., is a poetic fiction, invented for dramatic effect. Whatever enthusiasm we may indulge for the works of our immortal bard, it cannot extend to our accepting them as authority for historical facts; and unquestionably in a trial between him and the biographers we should feel bound in the absence of other evidence to give a verdict for the latter. But in this case there are materials which render it unnecessary to rely

[1] Scrope and Grosvenor Roll, ii. 124.

[2] See antè, p. 128.

wholly on either, and which enable us to arrive with a clearer judgment at the truth. The result of the investigation proves that both are wrong,—the biographers wholly, the poet partially.

The error of the biographers in fixing the death of Gascoigne in December, 1412, is manifest in many ways.

In the first place, he is the judge in a case reported in Hilary Term, 14 Henry IV., which was in January and February, 1413.[1] Secondly, he was summoned to the first parliament of Henry V., in Easter, 1413. Thirdly, on the Issue Rolls of the same year the sum of 79*l.* 3*s.* 0½*d.* is stated to have been paid to him on July 7, for his salary and additional annuity.[2] And lastly, his will has been found in the ecclesiastical court at York, the date being on December 15, 1419, and the probate being granted on the 23rd of the same month.[3] Here is ample proof of the chief justice surviving King Henry IV.; and the mutilated inscription on his tomb, which states that he died "Die Dominica 17 Die Decembris A. D.," the remainder having been torn off, may be properly supplied with the date 1419, in which year December 17 did occur on a Sunday.

Thus therefore the poet correctly introduces Gascoigne as alive on the accession of Henry V.; but we fear we must convict him of falsifying history, in his desire to enhance the character of his hero, when he makes Henry with a noble generosity reinvest the inflexible magistrate with "the balance and the sword;" nor can we acquit Lord Campbell of a similar charge, when he asserts that he can "prove to demonstration that Sir William Gascoigne * * * actually filled the office of chief justice of the King's Bench under Henry V."

The only evidence that has the slightest tendency to sup-

[1] Y. B., 14 Hen. IV., fo. 19.
[2] Devon's Issue Roll, 322.
[3] Lord Campbell's Ch. Just., i. 136.

port this view is the summons to parliament which was dated March 22, 1413, the *day after* the accession, in which he is called "Chief Justice of our Lord the King." This single fact, however, gives little assistance to the argument; because the title of chief justice would be properly applied to him until he was actually superseded; and because, the king having obviously had no more time than to order a parliament to be summoned, the writs of summons would be naturally addressed, by the persons on whom that duty devolved, to those peers, judges, and others who were summoned to the preceding parliament, and consequently to the judicial officers existing at the demise of the late king. But the slight presumption founded upon the fact is invalidated by numerous contrary proofs.

Thus in the parliament held by virtue of that summons, which commenced on May 15, Gascoigne not only was not present, but his usual place among the triers of petitions was filled by Sir William Hankford, who, though previously only a puisne judge of the Common Pleas, is named in precedence of Sir William Thirning, the chief justice of that court.[1]

Again, although Dugdale defers Hankford's elevation to the chief justiceship for more than ten months from the accession, and although he was not included in the new patents to the judges of the Common Pleas which were issued on May 2, a day or two before the opening of Easter Term, 1413; yet in several cases reported in the Year Books, not only of that term but of Trinity also, we find him, not indeed acting in the Common Pleas, but presiding in the King's Bench.

Even if these two facts were not sufficient to remove any doubt upon the question, the two records to which reference has been already made contain such conclusive proof that Sir William Gascoigne was not re-appointed to his place as

[1] Rot. Parl. iv. 4.

chief justice, that it seems impossible that any one can maintain the contrary.

In one of them, the payment on the Issue Roll of July, 1413, Gascoigne is called "*late* Chief Justice of the Bench of Lord Henry, *Father of the present King.*"

In the other, the inscription on his monument in Harewood church, in Yorkshire, in 1419, he is described as "*nuper* capit. justic. de banco Hen. *nuper* regis Angliæ *quarti.*"

Can it be for a moment supposed that in either of these records he would have been docked of his title had he ever been chief justice of the reigning king?

Still, however, the difficulty remained arising from Dugdale's date of Hankford's appointment as chief justice; but this has been removed by reference, through Mr. Hardy's customary kindness, to the Roll itself. It turns out, on inspection, that the date, instead of being January 29, 1414, as stated by Dugdale, is March 29, 1413, just eight days after King Henry's accession, and ten days previous to his coronation.

The peculiar period chosen for this act, and its precipitancy in contrast with the delay in issuing the new patents to the other judges, seem strongly to show that it resulted from the king's peremptory mandate rather than Gascoigne's personal choice; and consequently to raise a suspicion that the indignity he had laid upon the prince was not "washed in Lethe, and forgotten" by the king.

A royal warrant dated November 28, 1414, twenty months after his dismissal, granting him four bucks and four does yearly during his life, out of the forest of Pontefract[1], was a favour too long retarded to warrant a more lenient construction of the conduct of the king.

This great judge was buried in the parish church of

[1] Tyler's Henry V., i. 379.

Harewood, where the monument to which we have referred still remains. It bears his effigy in judicial robes; and a representation of it is given by Gough and in Fairholt's "Costume of England."

He married first, Elizabeth, daughter and heir of Alexander Mowbray, of Kirthington, Esq.; and secondly, Joan, daughter of Sir William Pickering, and relict of Sir Ralph Greystock, baron of the Exchequer. By the first he had a son William; and as there were seven successive Williams before the judge, so also were there seven after him, the last of whom left an only daughter, who by marrying Thomas Wentworth, of Wentworth Woodhouse, in Yorkshire, became the grandmother of the first Earl of Strafford, 1640, and the ancestress of the present Earl Fitzwilliam. By his second wife he had also a son named James, who was settled at Cardington, in Bedfordshire.

The baronetcy of Gascoigne of Barnbow was granted by Charles I. to a descendant of Nicholas, a younger brother of the judge, and became extinct in 1810.[1]

HANKFORD, WILLIAM DE.

JUST. C. P. 1399.

See under the Reigns of Richard II., and Henry V. and VI.

HILL, or HULL, JOHN.

JUST. K. B. 1399.

See under the Reign of Richard II.

AT this period the names of Hill and Hull were the same, and as often spelled one way as the other. The Records give examples of both in reference to this judge. He was born at Hill's Court, the seat of the family, near Exeter.[2] The earliest mention of him as a lawyer is a writ of summons,

[1] Wotton's Baronetage, v. 334.

[2] Prince's Worthies of Devon.

dated November 26, 1382, to take upon himself the degree of a serjeant-at-law; being the first of that description which has hitherto been found; the previous entries only noticing those who were king's serjeants.

He was constituted a judge of the King's Bench in the place of John de Lokton, banished for his answers to Tresilian's unconstitutional questions. Dugdale gives the date of May 20, 1389, 12 Richard II., quoting the close Roll; but he probably has mistaken the year, as in his Origines, p. 99., there is an account of the robes furnished to John Hull with the rest of the judges in 11 Richard II., the far more probable date.

On the accession of Henry IV. his patent was renewed; and his attendance in parliament as a trier of petitions is noted in every year from his first appointment till that of October, 1407, 9 Henry IV[1]; after which date no entry is to be found concerning him.

He never was a judge of the Common Pleas, although so inserted in Dugdale's List of 14 Richard II. and 1 Henry IV.[2] These are evident mis-readings of the Liberate Rolls.

HILL, ROBERT.

Just. C. P. 1408.

See under the Reign of Henry V.

HULS, HUGH.

Just. K. B. 1399.

See under the Reigns of Richard II. and Henry V.

LANGLEY, THOMAS, Bishop of Durham.

Chancellor, 1405.

See under the Reigns of Henry V. and Henry VI.

[1] Rot. Parl. iii. 258—609.

[2] See Rymer, viii. 12.; Rot. Parl. iii. 326. 578.

LINCOLN, ARCHDEACON OF. *See* J. DE SCARLE.
LINCOLN, BISHOP OF. *See* H. BEAUFORT.
LONDON, BISHOP OF. *See* N. BUBBEWITH.

MARKHAM, JOHN.

JUST. C. P. 1399.

See under the Reign of Richard II.

THE ancestors of John Markham were settled in Nottinghamshire at a very early period, and were named from a village so called in that county. Sir Alexander de Markham was constable of the castle of Nottingham in the reign of Henry III. Of five generations who succeeded him, the two last, John, and his son Robert, were eminent in the law, the latter being a serjeant in the reign of Edward III. This Robert married a daughter of Sir John Caunton, knight; and their son, John Markham, is the subject of the present sketch.

According to a somewhat apocryphal MS. in the Harleian Collection, No. 1912, he received his legal education at Gray's Inn [1]; but succeeding in his profession, he became a king's serjeant in 1390, 14 Richard II. Six years afterwards he was raised to the bench of the Common Pleas, his patent being dated July 7, 1396. From that time fines were levied before him till February, 1408, 9 Henry IV [2], and his attendance in parliament as a receiver of petitions terminated in the previous October. He was united with Chief Justice Thirning in the commission to announce to Richard II. his deposition from the throne; but he left the distressing duty to be performed by Thirning alone, adding no words of his own to that judge's address.[3]

It is almost useless to notice that Markham has been mentioned as the judge who committed Prince Henry to

[1] See Vol. III. p. 382.
[2] Dugdale's Orig. 46.
[3] Rot. Parl. iii. 338. 424. 609.

prison.[1] The tale is sufficiently confuted by the fact that he sat in the Common Pleas, and that he never was chief justice of either court.

He retired from the bench before his death; as a letter from the king to the chancellor, dated May 9, 1408, or 1409, is extant, appointing Robert Hull in his place[2]; and by his monument in Markham church it appears that he died on December 31 in the latter year.

He was twice married. His first wife, Elizabeth, the daughter of Hugh Cressy, brought him the manors of Risgate, Claypole, and Braytoft, in Lincolnshire.[3] From their son Robert descended Dr. William Markham, who was Archbishop of York from 1777 to 1807, whose grandson is now seated at Becca Hall, in Yorkshire. The judge's second wife was Milicent, widow of Sir Nicholas Burdon, and daughter and co-heir of Sir John Bekeringe. She is stated by Thoroton and other authorities to be the mother, by him, of Sir John Markham, the chief justice of the King's Bench in the reign of Edward IV.; but the case in the Year Book mentioned in the last note, which was a writ of dower brought by her in the year after Judge Markham's death, distinctly states the defendant John to be son and heir of the judge by Elizabeth, his former wife. She afterwards married Sir William Mering.[4]

MERSTON, HENRY.

B. E. 1408.

See under the Reign of Henry V.

NORWICH, Bishop of. *See* J. Wakering.

[1] Tyler's Henry V., i. 370.

[2] Rymer, viii. 584.

[3] This wife is called Johanna in Cal. Inquis. p. m., iii. 329.; but that her name was Elizabeth, as Thoroton states, is proved by a case in the Year Book of 12 Hen. IV., fo. 2.

[4] Thoresby's Thoroton's Notts., i. 341., iii. 230. 417.; Wotton's Baronetage, ii. 330.; Burke's Landed Gentry.

OVERTON, THOMAS.

B. E. 1403.

THOMAS OVERTON is another of the barons of the Exchequer of whom there is no distinct information, except that, according to a list kept in the Exchequer, he was admitted to that office in Hilary, 1402, 3 Henry IV., and that his place was vacant in the ninth year.[1] There were several families of that name then living in the counties of Hereford, Hants, and Shropshire; but to which of them the baron belongs remains to be traced.

RICHMOND, ARCHDEACON OF. *See* N. BUBBEWITH.

RICKHILL, WILLIAM.

JUST. C. P. 1399.

See under the Reign of Richard II.

WILLIAM RICKHILL is described by Sir Edward Coke as a native of Ireland, and by Hasted as establishing himself in the county of Kent, and becoming possessed of the manor of Ridley there. His early history is not known; but the first mention we have of him is as one of the king's serjeants in 1384, 7 Richard II. Five years afterwards, on May 20, 1389, he was constituted a judge of the Common Pleas.

When the king's uncle, the Duke of Gloucester, was arrested and taken to Calais in July, 1397, Sir William Rickhill was employed to take his deposition. This selection seems to have been made not from any particular motive in reference to his peculiar opinions,—for he does not appear to have previously interfered in politics,—but simply because he was the oldest judge on the bench, or perhaps because his residence was most convenient for the purpose. His own account states that he was awakened in the middle of the

[1] Liber., 9 Hen. IV.

night of September 7 at his house at Essingham, in Kent, by a king's messenger with a writ requiring him to go to Calais with the Earl of Nottingham, the captain of that town, and there to do as the earl should order him; and he was directed immediately to proceed to Dover. On his arrival at Calais another writ was presented to him commanding him to hear all that the Duke of Gloucester had to communicate, and to report the same to the king. Sir William was wholly at a loss to understand the object of this commission, as there had been a report of the duke's death for some time previously both in England and Calais. The earl, however, satisfying him that the duke was still alive, Sir William had the precaution to insist on having two witnesses present during the interrogatory. At his first interview with the royal prisoner Sir William requested that the duke would put in writing what he had to say, and keep one copy for himself. To this the duke agreed, and afterwards gave to Sir William nine articles to be taken to the king; at the same time soliciting the judge to return the next day in case he should wish to add any thing to his communication. On the following morning, being refused admittance, Rickhill returned to England, and made his report to the king.[1] The duke was soon after privately murdered, and so much of the articles which he had delivered to the judge as were deemed necessary were brought as his confession before parliament. That assembly, notwithstanding his death, condemned him as a traitor, and adjudged all his lands, &c. to be forfeited.

On the accession of Henry IV., September 30, 1399, Sir William received a new patent for his place; but on November 18 he was called upon by the parliament to answer before Chief Justice Clopton for his conduct in obtaining the duke's confession. He gave the "round unvarnished tale" we have related; showing that he had merely executed the

[1] Rot. Parl. iii. 340.

commission he had received without any previous knowledge of its intent, and strictly in performance of his duty. The lords could do no other than acquit him; and Chief Justice Clopton by command of the king pronounced his full discharge.[1]

Resuming his seat on the bench, fines were continued to be levied before him till Trinity Term, 1407, 8 Henry IV.[2] How soon after this he died does not appear; but Littleton in his "Tenures" says that he left divers sons, and that he settled his estate in Kent upon his eldest son and his heirs, with remainder to his second son and his heirs, and so on; with a condition that if either son should alien the property, his estate should become void and the remainder-man enter. Coke says in his Commentary that this invention is full of imperfections, and takes occasion to recommend that no man (be he never so learned) should be his own lawyer; enforcing this doctrine by reference to another case of the same judge, to be found in the Year Book of Michaelmas, 2 Henry IV., p. 11., in which he failed, the whole court "præter querentem Richel" determining that the action did not lye as he had brought it.[3] In the next case it appears, however, that his tenant succeeded against the same defendants.

William his eldest son was member of parliament for Kent in the following reign.[4]

SALISBURY, BISHOP OF. *See* N. BUBBEWITH.

SCARLE, JOHN DE, ARCHDEACON OF LINCOLN.

CHANCELLOR, 1399.

See under the Reign of Richard II.

JOHN DE SCARLE was so called from a place of that name in Lincolnshire, in which county some of his family were

[1] Rot. Parl. iii. 342.
[2] Dugdale's Orig. 46.
[3] Inst. i. 377.
[4] Hasted's Kent, i. 243., ii. 460.

located in the reign of Edward III.[1] There was also a Walter de Scarle, perhaps his father, who had a grant from that king of the custody of the Honor Peveril in Leicestershire.[2] John was a clerk of the Chancery, of the higher grade, as early as 6 Richard II., 1382, from which year till the twentieth, 1397, he was always one of the receivers of petitions in parliament, of which he also acted as clerk for the eight years between 9 and 17 Richard II.[3]

On July 22, 1394, 18 Richard II., he was raised to the office of keeper of the Rolls on the retirement of John de Waltham[4], and held it about three years and two months; during which he several times acted as keeper of the Great Seal when Archbishop Arundel the chancellor chanced to be absent; and it was in his possession when the archbishop was removed on November 23, 1396.[5] On September 11th in the following year he resigned the mastership of the Rolls to Thomas Stanley, and resumed his position as clerk in the Chancery, as appears from his witnessing under that title a charter to the city of Norwich, dated February 6, 1399.[6]

After the arrest of King Richard, he was appointed chancellor; and Mr. Hardy gives September 5, 1399, as the date of the first Privy Seal bill addressed to him[7]; so that he held the office for twenty-five days of this unfortunate king's reign, being the whole of its nominal remainder. He was of course not removed when Henry IV. was seated on the throne[8]; but he occupied the post for little more than one year and five months under that king, delivering up the seal in full parliament, on March 9, 1401.[9] He continued, however, one of the king's council for the rest of his life.[10]

[1] Abbrev. Rot. Orig. ii. 121. 155.
[2] Ibid. 257.
[3] Rot. Parl. iii. 133—337.
[4] Rot. Pat. 18 Rich. II., p. 1. m. 28.
[5] Rot. Claus. 20 Rich II., p. 1. m. 22.
[6] Blomefield's Norwich, i. 118.
[7] Hardy's Catalogue, 46.
[8] Cal. Rot. Pat. 237. where he is erroneously called Searle.
[9] Rot. Claus. 2 Hen. IV., p. 2. m. 3.
[10] Acts Privy Council, i. 126—191.

In the December following his retirement, he received the archdeaconry of Lincoln, which he enjoyed about a year; his death occurring before April 5, 1403, when his successor was admitted.[1] He made several grants of lands and houses for pious and charitable purposes, and, among others, to the master and brothers of St. Bartholomew's Hospital.[2]

His residence in London was in Chancery Lane, on the site which is now known as Serjeants' Inn. It is sometimes called "Tenementum" and sometimes "Hospitium Domini Joh. Skarle," and belonged to the Bishops of Ely. The episcopal records show that in 17 Richard II. it was let by the bishop's appointment to one of the clerks of the Chancery; probably himself.[3]

SOMER, HENRY.

B. E. 1407.

AMONG the officers of the Exchequer by whom payments were made in the first years of the reign of Henry IV.[4], was Henry Somer, who is described as a clerk. In the seventh year the Commons, suspecting that their proceedings were not properly entered, selected him as one of those who were to overlook the ingrossment of the Rolls of parliament.[5] He was raised to the bench of the Court of Exchequer as a baron on November 8, 1407, 9 Henry IV.[6], and before the end of the reign was advanced to the office of chancellor of the Exchequer, being so described on January 23, 1413, 14 Henry IV.[7]

He was also under treasurer, as we find from a song written by Occleve thus entitled: "Cestes Baladē et Chanceon Ensuyantz Feurent Faites à Mon Meistre H. Somer quant il Soustresorer." Whether this office was then, as

[1] Le Neve, 156.
[2] Cal. Inquis. p. m., iii. 52. 160. 178.
[3] Dugdale's Orig. 332.
[4] Devon's Issue Roll, 274—286.
[5] Rot. Parl. iii. 585.
[6] Dugdale's Chron. Series.
[7] Kal. Exch. ii. 85.

now, united with that of chancellor of the Exchequer, is uncertain; but we should judge not, from the more respectful address which Occleve prefixed to another song, entitled "Cestes Balade Ensuyante Fust Par la Court De Bone Compagnie Envoiee a Lonure Sire Henri Somer Chancellor De Leschequer et un De la Dite Court."[1]

This "court" was evidently a convivial association of good fellows; and the first of these ballads was the congratulation of his brethren on his appointment as sub-treasurer. It commences thus:—

"The sonne, with his bemes of brightnesse,
To man so kyndly is and norishynge,
That lakkyng it day ne'er but dirknesse,
To day he yeveth his enlumynynge.

"And causith al fruyt for to wexe and sprynge;
Now syn that sonne may so moche availl,
And moost with Somer is his sojournynge,
That sesonn bonteous we wole assail."

It intimates that he had not been present since "the last myghelmesse," and prays

"Now yeve us cause ageyn this cristemesse
For to be glad:"

promising whether he comes or not,

"And yit this rowndel shal we synge and seye,
In trust of you, and honour of your name."

The burden of the rowndel is this:

"Somer that rypest mannes sustenance,
With holsum hete of the sonnes warmnesse,
Al kynde of man thee holden is to blesse:
To hevy folk, of thee the remembrance
Is salve and oynetement to hir seeknesse,
For why we this shal synge in cristemesse."

The second ballad appears to be an answer to a letter of remonstrance the "court" had received from him for undue

[1] Occleve's Works, Mason, pp. 59—70.

extravagance and a breach of some of their rules. In reply to which, with true English freedom, their poet says,

"To the which in this wyse we answere,
Excesse for to do be yee nat bounde
Ne noon of us, but do as we may bere,
Up on swich rule we nat us in growṅde,
Yee been discreet, though yee in good habownde,
Dooth as yow thynkith for you honestee,
Yee and we all arn at our libertee."

It then reminds him that the "styward" had warned him that he was

"for the dyner arraye
Ageyn Thirsday next, and nat it delaye."

And after telling him to "despende astir his pleasure and lykinge," it concludes thus: —

"Ensaumpleth us let seen and us miroure,
As that it seemeth good to your prudence,
Reule that day for the thank shall be your,
Dooth as you list be drawe in consequence,
We trusten in your wys experience;
But keepith wel your tourne how to befall
On Thirsday next on which we awayt all."

It is not improbable that Geoffrey Chaucer was a fellow of this "good company," as we find that Henry Somer, on June 5, 1400, 1 Henry IV., received his pension for him: and no doubt Somer was a relation, perhaps a brother, of the "Frere John Somere," whose Kalendar is mentioned in Chaucer's treatise on the Astrolabe.[1]

The John Somer who was auditor of the Exchequer in 13 Henry VI., 1434–5[2], may have been one of the sons or nephews of Henry; and a second Henry, who died in 28 Henry VI., 1449–50, possessing estates in the counties of Hertford and Cambridge[3], was, perhaps, another.

[1] Nicolas's Chaucer, p. 56.
[2] Devon's Issue Roll, 427.
[3] Cal. Inquis. p. m., iv. 241.

STAFFORD, EDMUND DE, Dean of York, Bishop of Exeter.

Chancellor, 1401.

See under the Reign of Richard II.

Edmund de Stafford was the grandson of Sir Richard de Stafford of Clifton in Staffordshire, who was the younger brother of Ralph, created Earl of Stafford in 1351, 25 Edward III. His father was another Richard, who was summoned to parliament as a baron in 1371, 44 Edward III.; and at the time of his death, in 1381, 4 Richard II., Edmund, who was his eldest son, was of the age of thirty-six years[1], so that he was born about the year 1345. His high connections soon advanced him in the priesthood for which he had been educated, and he was appointed Dean of York on August 12, 1385.[2] We next find him keeper of the Privy Seal in 1391, 14 Richard II.[3]; and on the death of Thomas Brentingham he was raised to the Bishoprick of Exeter on January 15, 1395.

When Thomas de Arundel, Archbishop of Canterbury, was removed from the chancellorship, the Seal was delivered to Edmund de Stafford on November 23, 1396.[4] He sat as chancellor in the parliament of the following January and September, and in the latter swore to observe the arbitrary statutes which, by the royal influence, were then passed[5], and which in a short time led to the king's ruin.

The precise date of his retirement from the office is not known, but he certainly held it when Henry of Bolingbroke landed at Ravensburn on July 4, 1399. So soon afterwards, however, as August 13, his predecessor, Archbishop Arundel, having returned with Henry from his banishment, was again

[1] Dugdale's Baron. i. 159.
[2] Le Neve, 314.
[3] Rot. Parl. iii. 264.
[4] Rot. Claus. 20 Rich II., p. 1. m. 22.
[5] Rot. Parl. iii. 337. 347. 355.

in possession of the Great Seal, and exercising the duties of chancellor.[1]

Although a friend of King Richard, it is evident that he succeeded in disarming the new monarch of any enmity he might indulge against him on that account. He attended in his place in the first parliament of Henry IV., and was one of the prelates who assented to the imprisonment of the deposed king.[2] In little more than seventeen months after the commencement of the new reign he was reinstated in the office of chancellor. The Seal, which was delivered to him by the king on March 9, 1401[3], remained in his hands about two years, viz., till the end of February 1403. History is silent as to the cause of his retirement, but that he retained the favour of the king is manifest, from his being selected as a trier of petitions in several subsequent parliaments, and also as one of the king's council.[4]

He survived Henry IV. more than six years, and died on September 4, 1419, having presided over his diocese nearly a quarter of a century. His remains were deposited in his own cathedral under an alabaster tomb, with a rhyming Latin inscription.

It may be presumed that he was educated at the university of Oxford, in the college then called Stapledon Hall; as he added two to its fellows, providing estates for their support; and as the name of Exeter College, which it now bears, is supposed to have been given from him.[5] Notwithstanding Lord Campbell's remarks on his life[6], we are bound to say that there is no event recorded in it from which a factious disposition or a warlike taste can be inferred.

[1] Hardy's Catalogue, 46.
[2] Rot. Parl. iii. 427.
[3] Rot. Claus. 2 Hen IV., p. 2. m. 3.
[4] Rot. Parl. iii. 545. 567. 572.
[5] Godwin de Præsul. 412.
[6] Lord Campbell's Chancellors, i. 390.

STANLEY, THOMAS DE.

M. R. 1399.

See under the Reign of Richard II.

THOMAS DE STANLEY, for so he is always called in the Rolls of parliament, was one of the clerks of the Chancery from 11 Richard II., when he first appears as a receiver of petitions.[1] He held this office for the ten following years, when, on John de Scarle's removal, he was constituted master of the Rolls, on September 11, 1397, 21 Richard II. On the banishment of Henry of Lancaster in the next year, he was selected as one of his attorneys during his absence[2]; and, therefore, naturally retained his place when that prince usurped the government. He was superseded at the end of the third year, his successor Nicholas Bubbewyth being appointed on September 24, 1402[3]; and it would seem that his offence was that he obtained the pope's bulls for certain benefices; a pardon being granted to him in the same year on that account.[4]

STAVERTON, JOHN.

B. E. 1399.

See under the Reign of Henry V.

THIRNING, WILLIAM.

CH. C. P. 1399.

See under the Reigns of Richard II. and Henry V.

TIRWHIT, ROBERT.

JUST. K. B. 1409.

See under the Reigns of Henry V. and Henry VI.

[1] Rot. Parl. iii. 228—*455*.
[2] Rymer, viii. 49.
[3] Hardy's Catalogue, 46, 47.
[4] Cal. Rot. Pat. *245*.

TUTTEBURY, THOMAS.

B. E. 1401.

THOMAS TUTTEBURY, not John de Tuttlebury, as Dugdale calls him, was of a Derbyshire family. He is first mentioned in 1 Henry IV. with the designation of clerk, as keeper of the King's Wardrobe; in which character he received two sums of 66*l.* 13*s.* 4*d.* and 13*l.* 6*s.* 8*d.* "for the costs and charges incurred for the carriage of the body of Richard, late king of England, from Pountfreyt Castle to London." In the following year, on June 27, 1401, he was rewarded for this service by being constituted second baron of the Exchequer. In May, 1402, we find him sending a messenger to the king announcing "the capture of a certain ship sent to Scotland to victual those parts." Beyond July, 1403, when he received payments on account of his former office, among which is the sum of 253*l.* 9*s.* for fish, no entry concerning him is published.[1]

WAKERING, JOHN, ARCHDEACON OF CANTERBURY, BISHOP OF NORWICH.

M. R. 1405. KEEPER, 1410.

See under the Reign of Henry V.

WESTWODE, ROGER.

B. E. 1403.

See under the Reigns of Henry V. and Henry VI.

WINCHESTER, BISHOP OF. *See* H. BEAUFORT.

YORK, ARCHBISHOP OF. *See* T. DE ARUNDEL.

YORK, DEAN OF. *See* E. DE STAFFORD.

[1] Devon's Issue Roll, 275. 277. 284. 294.; Cal. Rot. Pat. 244.

HENRY V.

Reigned 9 years, 5 months, and 10 days; from March 21, 1413, to August 31, 1422.

SURVEY OF THE REIGN.

THE reign of Henry V. was too short, and too much occupied in preparations for war and rejoicings for victory, to afford any other materials for legal history than the succession of the judges in the ordinary courts.

The removal of Archbishop Arundel from the chancellorship, and of Sir William Gascoigne from the office of chief justice of the King's Bench, the former on the first and the latter on the eighth day of his reign, do not tend to support the character for magnanimity which is usually attributed to that triumphant king. That some offence against the archbishop had been taken by him, during his father's life, appears by a passage in the instructions given by the council to the lords appointed to remonstrate with the Duke of Gloucester, in 4 Henry VI., 1426, in which reference is made to it[1]; and the traditionary history of the check he received from Sir William Gascoigne is too well supported to admit of a doubt. Their immediate discharge, therefore, on his accession to the throne, bears too much the semblance of an unworthy remembrance of ancient enmities to satisfy an impartial historian of his reign.

The progressive advance of the jurisdiction of the chan-

[1] Acts Privy Council, iii. 186.

cellor excited some remonstrances from the Commons, who complained of the writ of subpœna, invented, as they alleged, by John Waltham, late Bishop of Salisbury, as a great grievance, and as an encroachment on the common law of the land. The king, however, evaded their prayer for its discontinuance.[1]

The Seals used in the beginning of this reign, both gold and silver, were the same as those in the last, with the alteration of the name. The king is stated to have taken them with him to France, and to have lost them and other jewels in the confusion of the battle of Agincourt; after which they were recovered through the agency of the Seigneur de Harcourt.[2] The legend may have been, and probably was, changed after the treaty of Troyes from "Rex Francie" to "heres Regni Francie," the style then adopted by the king: but no impression has been discovered.

There were only two chancellors during the reign, both prelates; one holding the Seal four years and four months, and the other somewhat more than five years.

CHANCELLORS.

HENRY BEAUFORT, Bishop of Winchester, the king's uncle, was constituted on the day of the accession, March 21, 1413; as, in the absence of the usual entry of the delivery of the Seal, we learn from a mandate directing the keeper of the Wardrobe to account for the wax due to him by reason of his office from that day.[3]

During his absence in France with the king, from September 5, to October 12, 1416, the Seal was temporarily held by SIMON GAUNSTEDE, the master of the Rolls.[4]

THOMAS LANGLEY, Bishop of Durham, was appointed

[1] Rot. Parl. iv. 84.
[2] Archæol. Journ. ii. 28.
[3] Rot. Claus. 1 Hen. V., m. 1.
[4] Ibid. 4 Hen. V., m. 13.

chancellor on July 23, 1417, the day of Beaufort's resignation[1], and continued in office till the king's death, on August 31, 1422.

The two occupants of the office of master of the Rolls under Henry V. were ecclesiastics.

Masters of the Rolls.

John Wakering, who had filled the place for eight years of the preceding reign, remained in it for more than two years in this. He then was made keeper of the Privy Seal; and soon afterwards was elected Bishop of Norwich.

Simon Gaunstede was his successor. In his patent, dated June 3, 1415, his tenure of office was for the first time described to be "quamdiu nobis placuerit."[2] He retained it till the end of the reign.

The allowances to the master of the Rolls and the masters in Chancery were paid by the keeper of the Hanaper. There is an order to him to pay them to Simon Gaunstede, "pro seipso ac sociis suis clericis."[3]

Masters in Chancery.

The masters in Chancery, who continued in office from the last reign, were—

John Wakering, M. R.	1 to 3 Henry V.	
John de Chitterne	1	—
John de Roderham	1–2	—
John Rome	1–2	—
Simon Gaunstede (M. R. 3 Henry V.)	1 to 9	—
John Springthorpe	1 to 9	—
John Hertelpole	1 to 9	—
Henry Malpas	1–2	—
The following are named in this reign—		
John Frank	2 to 9	—
John Roland	2–3	—

[1] Rot. Claus. 5 Hen. V., m. 15.
[2] Rot. Pat. 3 Hen. V., p. 1. m. 7.
[3] Legal Judic. in Chanc. p. 122.

Thomas Haxey	-	-	-	-	-	3	Henry V.
William Aghton	-	-	-	-	-	3	—
John Thoralby	-	-	-	-	-	3 to 9	—
John Mapilton	-	-	-	-	-	3 to 9	—
Henry Shelford	-	-	-	-	-	3 to 9	—
Henry Keys	-	-	-	-	-	4 to 9	—

An "ordinatio cancellarie" was issued in the twelfth year of the reign of Richard II., which was renewed in this.[1] The two are so combined in the copies which have been preserved, that, as it is impossible to distinguish with certainty the amendments from the original, it will be better to consider them both together as promulgated under this reign. The introduction, "Ordinatum est per *dom.* Cancellarium Anglie," affords the first example since the single instance in the reign of Edward II. of the chancellor being called the lord chancellor; a title which, with the one exception above referred to[2], does not occur in the Rolls of parliament till the twenty-fourth year of the next reign[3], after which it is frequently used. The masters are designated as "duodecim clerici de prima forma *ad robas*," and their high position in the Court of Chancery is shown by stating their concurrence in the order, "et per duodecim, &c., concordatum." According to the regulations laid down, there are to be twelve masters, of whom the master of the Rolls is to be one and the first; and also of whom there are to be two preceptors (John Hartipole and John Frank are those named), besides one out of the extraordinary clerks at the will of the chancellor. The twelve masters were each to have three clerks at most, except the master of the Rolls, who, "because the business in regard to those Rolls was now greatly increased," instead of his ancient three, was to have "six writing clerks and no more." All these clerks

[1] Sanders' Orders in Chanc. pp. 1—7. *d.*

[2] See Vol. III. p. 179.

[3] Rot. Parl. v. 102.

were required to be unmarried. None of the masters were to take the writs to the Seal except the master of the Rolls and the preceptors; and a curious specimen of exclusiveness is given in strict directions that the masters, under pain of expulsion from court, shall not associate with those of the lower grade, "propter honestatem honoris et gradus eorundem." The same injunction is given to the clerks of the second class; and the twenty-four "cursiste" are prohibited from eating, &c. with the "apprenticios legis, attornatos, aut alios extraneos."

The ancient ecclesiastical privileges of the clerks or masters in Chancery, which probably had been lately encroached upon, are cautiously taken care of by a reference to the first foundation of the Chancery, when, as the document alleges, it was ordained that the chancellor or keeper of the Great Seal should present all benefices in the royal gift, and requiring ordinary admission, institution, or induction, not exceeding the value of twenty marks, to the clerks of Chancery according to their degree for promotion and preservation of their state; and an order is made that the same shall in future time be observed. And, lastly, in the "Renovatio" of Henry V., it is declared that the master of the Rolls, or one of the preceptors, or one of the twelve ordinary masters, if present in court, shall be able, in the absence of the lord chancellor, on the petition of counsel, or the parties, or their attorney, to direct causes and dispose of them in order; but not to grant favour for lapse of peremptories, nor give final judgment; for these, it says, are specially reserved to the lord chancellor or keeper of the Great Seal.

Chief Justice of the King's Bench.

Notwithstanding the desire naturally felt, as well to corroborate Shakspeare's representations of history, as to

raise the character of Henry V., we have been compelled, in pursuing our memoir of Sir William Gascoigne, to come to the conclusion that he was not re-appointed chief justice at the commencement of this reign.

WILLIAM HANKFORD'S patent for the office was dated March 29, 1413, eight days after the accession. He continued to preside in the court through the whole reign.

JUSTICES OF THE KING'S BENCH.

I. 1413. May 2. Hugh Huls, Robert Tirwhit, } the only judges of this court at the end of the last reign, were re-appointed by Henry V.

III. 1415. June 16. Roger Horton, loco H. Huls.
William Cheyne.

In the third year of the reign, the number of judges was increased from three to four, who at the death of Henry V. were,

William Hankford, chief justice,
Robert Tirwhit, Roger Horton,
William Cheyne.

CHIEF JUSTICES OF THE COMMON PLEAS.

WILLIAM THIRNING, who had presided in this court throughout the last reign, was continued in his place by Henry V., but died very soon afterwards.

RICHARD NORTON, his successor, was appointed on June 26, 1413, 1 Henry V., and retained his seat till his death, which occurred in 1420; and his place was left vacant during the remainder of the reign.

JUDGES OF THE COMMON PLEAS.

William Hankford, one of the judges of this court at the death of Henry IV., was, as we have seen, made chief justice of the King's Bench on the accession of Henry V.

The other three received new patents for their old places, viz. —

I. 1413. May 2. John Cokayn, Robert Hill,
John Colepeper.

III. 1415. June 16. William Lodington, loco J. Colepeper,
John Preston.

VIII. 1420. June 30. William Babington, made a judge of this court, loco W. Lodington, still retaining his place as chief baron of the Exchequer.
John Martin.

During the reign the ordinary number of judges of this court was five; but in the eighth year another was added on account of the illness of chief justice Norton, whose death occurred shortly after, and whose duties seem to have been performed by chief baron William Babington. At the death of the king the judges were,

William Babington, Ch. B. E., John Cokayn,
Robert Hill, John Preston,
John Martin.

Chief Barons of the Exchequer.

For the last eight years of the reign of Henry IV. we have seen that John Cokayn held the two offices of chief baron of the Exchequer and of justice of the Common Pleas together. At the commencement of this reign it was deemed expedient that this connection should no longer continue. Cokayn, accordingly, kept his seat as a judge of the Common Pleas, and

William Lasingby was appointed chief baron. His successor

William Babington received his patent on November 4, 1419, 7 Henry V. In the following year the judgeship of the Common Pleas was again superadded to this office; and he retained both during the short remainder of the reign.

BARONS OF THE EXCHEQUER.

THE four puisne barons at the end of the last reign were re-appointed; viz. —

I. 1413. April 28. Roger Westwode, John Staverton, Henry Merston, Richard Banke.
Nov. 14. Robert Malton, loco ? J. Staverton.
VI. 1418. Roger Waltham, loco ? R. Banke.
IX. 1421. July 13. William Hesill, loco ? H. Merston.

If, as seems probable, Roger Waltham was dead before the end of the reign, the barons would then be,

William Babington, chief baron,
Roger Westwode, Robert Malton,
William Hesill.

TABLE OF CHANCELLORS AND MASTERS OF THE ROLLS.

A. R.	A. D.	Chancellors.	Masters of the Rolls.
1	1413, March 21	Henry Beaufort, Bishop of Winchester	John Wakering.
3	1415, June 3	—	Simon Gaunstede.
5	1417, July 23	Thomas Langley, Bishop of Durham	—
		The king died August 31, 1422.	

TABLE OF THE CHIEF JUSTICES AND JUDGES OF THE KING'S BENCH.

A. R.	A. D.	Chief Justices.	Justices of the King's Bench.		
1	1413, March 29	William Hankford	Hugh Huls	Robert Tirwhit.	
3	1415, June 16	—	Roger Horton	—	William Cheyne.

Table of the Chief Justices and Judges of the Common Pleas.

A. R.	A.D.	Chief Justices.	Justices of the Common Pleas.				
1	1413, May 2	William Thirning	John Cokayn	John Colepeper	Robert Hill.		
	June 26	Richard Norton	—	—	—		
3	1415, June 16	—	—	William Lodington	—	John Preston.	
8	1420, June 30	—	—	William Babington, Ch. B. E.	—	—	
	Sept.	?	—	—	—	—	John Martin.

Table of the Chief Barons and Barons of the Exchequer.

A. R.	A.D.	Chief Barons.	Barons of the Exchequer.			
1	1413, April 28	William Lasingby	Roger Westwode	Henry Merston	John Staverton	Richard Banke.
	Nov. 14	—	—	—	Robert Malton	—
6	1418,	—	—	—	—	Roger Waltham.
7	1419, Nov. 4	William Babington	—	—	—	?
9	1421, July 13	—	—	William Hesill	—	

The assizes were for some time interrupted by the warlike proceedings of the king; and in pursuance of an ordinance made on his second passage to Normandy. By a statute in the ninth year of his reign, chap. 3., his majesty, "considering the trouble and damages which many of his liege people have sustained by the same ceasing, commanded that his justices shall hold the assizes through his realm by the manner accustomed."[1]

Monumental representations of three of the judges of this period give some idea of their dress; viz., that of Sir William Gascoigne, in Harwood church, in Yorkshire, published in Fairholt's "Costume in England;" that of William Lodington, in the church of St. Peter at Gunby, in Lincolnshire, published by the Cambridge Camden Society in their "Illustrations of Monumental Brasses;" and that of John Cokayn, in the church of Ashburne, in Derbyshire, published by Dugdale in his "Origines Juridiciales." They are all dressed in their official robes, and the two former have an anlace hanging at their sides, to which in Gascoigne's is added, on the other side, a pouch or purse. This was probably the fashion of the time, and not any legal appendage; the same no doubt as the "gipciere" of Chaucer's "Frankelein:" —

> "At sessions ther was he lord and sire.
> Full often time he was knight of the shire.
> An anelace and a gipciere all of silk
> Hen at his girdle, white as morwe milk."

ATTORNATI REGIS.

THE attorneys-general in this reign were —

I. 1414. Jan. 16. William Babington.

It is worthy observation that, like William Lodington in the last reign, he did not assume the coif till some time after he received the

[1] Statutes of the Realm, ii. 205.

above appointment: and it seems curious that, being an officer of the crown, he should in the first instance have disobeyed the king's writ, as we shall presently see that he did, by refusing to take upon himself the degree of serjeant. He was made chief baron of the Exchequer on November 4, 1419, 7 Henry V.; and in the following year was appointed, in addition, a justice of the Common Pleas.

VIII. 1420. William Babthorp.

Whether it was originally the custom to describe all serjeants as king's serjeants or not, no doubt can exist that at this time the distinction between the two classes had been fully established.

The king's serjeants, as we have seen, received an annual stipend from the Exchequer, and, on the accession of a new king, seem to have been re-appointed. Among those named as king's serjeants in the first year of Henry V. we find John Halls, who is not previously mentioned as having been summoned as a serjeant-at-law; but the writ of summons to him, as to many others, has no doubt been omitted to be recorded.

The degree of serjeant-at-law was certainly not always at this period an object of desire among the apprentices. In the second year of the reign a writ of summons was directed to five apprentices on February 15, 1415, to take the degree at the next Easter. Three of these five, John Martin, William Wynard, and John Barton junior, had been previously summoned, in 12 Henry IV., by a writ which they had evidently neglected to obey. On July 11, 1415, another writ of summons was issued directing nine to take on them the degree in Michaelmas Term. In these nine the whole of the five summoned in February were included, showing that they had disregarded the mandate.[1]

[1] Dugdale's Orig. p. 111.

The cause of this hesitation on the part of the apprentices to assume the degree is stated by Dugdale to have been the great expense attendant on their call. But granting even that this would in some measure operate, we cannot but think that we must look a little deeper for the real reason. There is ample evidence in the Year Books to show that the pleaders in the courts were very numerous, and that the large majority were apprentices of the law, and not serjeants. It is not improbable that at this time there might be an extraordinary degree of talent among them, and that finding that their services were as much demanded and as well requited without as with the honour, they very naturally were disinclined to incur an additional expense, which in their opinion would not be repaid by an increase of profit. From the number of those who resisted, one would almost suspect that a contest had arisen between the serjeants and the leading apprentices for the ascendancy.

Be that however as it may, the subject became a matter of parliamentary notice. In November 1417[1] six apprentices who had received writs and had not obeyed them were summoned before the parliament, and were commanded under a heavy penalty to take upon them the state of a serjeant without any delay. Four of these six were among the nine who had been summoned in July, 1415; so that it may be presumed that the other five in that summons had made no resistance. The writs of the remaining two called before the parliament are not mentioned in Dugdale. The record does not state what were the excuses offered by the apprentices for their disobedience, but simply that they prayed a respite till the following Trinity Term; which was granted on their promise to perform their duty at that time without further delay or excuse.

[1] Rot. Parl. iv. 107.

The preamble to this record speaks of the complaints made by the people that their suits in the *Courts* had not been so well pleaded on account of the small number of serjeants. This might seem to show that their privilege was not confined to the Common Pleas; but as it refers to the suits of the people only, which were also heard at the assizes, it may be understood as applying to those courts also, and not as extending to the King's Bench or Exchequer.

Keeping the serjeants-at-law and the king's serjeants in separate lists, the former are arranged according to the result of the above-mentioned proceedings. Those marked * became judges.

SERJEANTS-AT-LAW.

III. 1415.	John Barton, senior, John Barton, junior, Thomas Lopham.	William Poulet, William Wynard.
V. 1418.	* William Babington, * John Martin, William Pole, * John Cotismore.	* William Westbury, * John Ivyn, Thomas Rolfe,
VIII. 1421.	* William Paston.	

KING'S SERJEANTS.

I. 1413.	William Skrene, * William Lodington.	* John Halls.
III. 1415.	* James Strangeways.	

It is not improbable that the inn in Chancery Lane, now called Serjeants' Inn, was occupied during some part of this reign by the judges under a demise from the Bishop of Ely; as his lordship's bailiff, in his accounts of 1416, 4 Henry V., charges himself with the receipt of 6*l.* 13*s.* 4*d.* "pro Faryndon's Inne in Chanceler's-lane, dimisso Rogero Horton et Willielmo Cheney, Justiciariis, et Waltero Askham, apprentisio Legis." But it seems very doubtful whether the serjeants were yet joined with the judges in a united society,

as Walter Askham was evidently not then a serjeant, though he had been summoned six years before to take the degree; and as ten years after this date the house, according to the bailiff's account, was unoccupied for a whole year.

Dugdale says that there was a serjeant-at-law named Robert Askham (no doubt a relative of Walter Askham) who had a pension of 40*s.* per annum as counsel for the bishop. One of these two Askhams appears to have lodged there before the above demise to the judges; for in 2 Henry V. the bishop's bailiff charges for the repair of Askham's chamber.[1]

The following advocates are named in the Year Books; some of whom were serjeants, and the others apprentices of the law. The added initials are of the courts to which those who became judges were first appointed.

COUNSEL.

Askham,	Frayer,	Middelton,
Babington, Ch. B. E.,	Fulforde,	Paston, C. P.,
Belknap,	Grey,	Perkins,
Brenchesley,	Hals, C. P.,	Pole,
Burnebury,	Hamden,	Redford,
Cavend,	Hasty,	Rolff,
Cheiney, K. B.,	Hewster, Ch. Clk.,	Skrene,
Coningston,	Horton, K. B.,	Strangeways, C. P.,
Corff,	Hougate, Ch. Clk.,	Westbury, K. B.,
Cotesmore, C. P.,	June, Ivyn, C. P.,	Weston,
Flete,	Martin, C. P.,	Wynard.

This reign affords very little information of the Inns of Court or Chancery.

The only reference to the TEMPLE is an epitaph in the church recording the death of "Dominus Ricardus Lemster, Capellanus" on April 14, 1420.[2]

The Treasurer of England had a house in GRAY'S INN according to the Issue Roll of 4 Henry V., which accounts

[1] Dugdale's Orig. 333. [2] Ibid. 181.

for 200*l.* received "from a certain attorney of the Lord de Talbot, dwelling in Grayes Inn, at the house of the Treasurer of England,"[1] who at this time was Sir Roger Leche.

Dugdale states that the steward's accounts show that LYON'S INN was an Inn of Chancery in the time of Henry V., and that it is uncertain how long before.[2] This is all the information he affords on the subject, without reference to any other authority, and without saying whether he means the accounts of the steward of that inn or of the Inner Temple to which it was afterwards attached.

It is situated on the north side of Wych Street in the Strand, and has an entrance out of Newcastle Street.

STAPLE INN lies on the south side of Holborn, to the east of the Old Temple, now called Southampton Buildings. It takes its name from its having, according to tradition, been the mercantile resort of wool-merchants, and was then called Staple Hall. Dugdale says that by an ancient MS. book then in the possession of the principal and fellows of the house, written about the time of Henry V., and containing divers orders and constitutions relating to the society, "it should seem that this house was an Inne of Chancery then, if not before those days."

If this be the fact, it was probably held under lease; as in the reign of Henry VIII. it was purchased by the society of Gray's Inn from a private party.[3]

CHESTER INN, the former town residence of the Bishops of Lichfield and Coventry, frequently called Bishops of Chester, was a seminary of lawyers about this time. Occleve, the poet, who flourished between 1370 and 1454, is said to have studied the law there.[4] It was situate on the south side of the Strand, and was pulled down in 1549 to make way for Somerset House. It had been an Inn of Chancery

[1] Devon's Issue Roll, 348.
[2] Dugdale's Orig. 187.
[3] Ibid. 310.
[4] Chalmers' Biog. Dict.

in connection with the Middle Temple, and was sometimes called STRAND INN.[1]

In the second century of Jenkins' Reports are some cases in the 1st, 4th, 9th, and 10th years of the reign; and the Year Books give reports in every year except the 3rd, 4th, 6th, and 10th; omitting also two terms in the 2nd and 8th years, and three terms in the 5th year. The 7th year is not divided into terms.

[1] Thoms' Stow's London, 29.

BIOGRAPHICAL NOTICES

OF

THE JUDGES UNDER THE REIGN OF HENRY V.

BABINGTON, WILLIAM.

Ch. B. E. 1419; *and* Just. C. P. 1420.

See under the Reign of Henry VI.

BANKE, RICHARD.

B. E. 1413.

See under the Reign of Henry IV.

The barons of the Exchequer in this reign, as in those of most of the preceding kings, were of so little comparative importance, generally rising to the bench from being clerks in that department, and not engaged in the general judicial business of the country, that little information can be obtained regarding them either from records or tradition. Of the legal career of Richard Banke we know nothing, except that he was made a baron of the Exchequer on June 11, 1410, 11 Henry IV., and continuing in his place to the end of that reign, was re-appointed in the next.[1] He and his wife Margaret, the daughter of William de la Rivere, were buried in the Priory of St. Bartholomew, London.[2]

BEAUFORT, HENRY, Bishop of Lincoln and Winchester.

Chancellor, 1413.

See under the Reigns of Henry IV. and Henry VI.

[1] Dugdale's Chron. Series.

[2] Stow's London, p. 419.

CANTERBURY, ARCHDEACON OF. *See* J. WAKERING.

CHEYNE, WILLIAM.

JUST. K. B. 1415.

See under the Reign of Henry VI.

COKAYN, JOHN.

JUST. C. P. 1413.

See under the Reigns of Henry IV. and Henry VI.

COLEPEPER, JOHN.

JUST. C. P. 1413.

See under the Reign of Henry IV.

THE Colepepers were of a very ancient Kentish family, which in the reign of Edward III. separated into two branches; one settled at Bay Hall, near Pepenbury, in Kent, from which descended Baron Colepeper, master of the Rolls in the time of Charles I.; and the other seated at Preston Hall, near Aylesford, in the same county, to which John Colepeper, the judge, belonged.

His grandfather was Sir Jeffrey Colepeper, who was Sheriff of Kent in 40 Edward III., and his father's name was William. We do not find any report of his forensic practice before 1 Henry IV.; but this arises from the want of the Year Books of the preceding reign. In the fourth year of that reign he was appointed a king's serjeant, and was one of that degree who advanced 100*l.* each on loan to the king.[1] On June 7, 1406, 7 Henry IV., he was raised to the bench as a judge of the Common Pleas; and continuing in that court during the remainder of the reign, he received a new patent on the accession of Henry V. His death occurred towards the end of the following year, no fines having been

[1] Acts Privy Council, i. 202.

levied before him after the month of July, 1414.[1] He was buried in the church of West Peckham, which manor, together with those of Oxenhoath and of Swanton Court, he gave to the Knights Hospitallers of St. John of Jerusalem.

By his wife Catherine he left a son, William, who was Sheriff of Kent in 5 Henry VI. To his lineal descendant a baronetcy (that of Preston Hall) was granted in 1627, which became extinct in 1723.

There was also another baronetcy (that of Wakehurst, in Sussex) granted in 1628 to the other branch of the family, which also became extinct in 1740.[2]

DURHAM, Bishop of. *See* T. Langley

GAUNSTEDE, SIMON.

M. R. 1415.

See under the Reign of Henry VI.

HANKFORD, WILLIAM DE.

Ch. K. B. 1413.

See under the Reigns of Richard II., and Henry IV. and VI.

HESILL, WILLIAM.

B. E. 1421.

See under the Reign of Henry VI.

HILL, ROBERT.

Just. C. P.

See under the Reigns of Henry IV. and Henry VI.

HORTON, ROGER.

Just. K. B. 1415.

See under the Reign of Henry VI.

[1] Dugdale's Orig. 46.

[2] Hasted's Kent, iv. 436., v. 63. 85.; Burke's Extinct Baronetage

HULS, or HOLES, HUGH.

JUST. K. B. 1413.

See under the Reigns of Richard II. and Henry IV.

ASHMOLE makes Hugh Huls the grandson of Sir William of the Hulse, in Cheshire, by that knight's second son, David. Hugh is mentioned as an advocate in Richard Bellewe's Reports of the reign of Richard II.; in the twelfth year of which he was raised to the judicial seat, being appointed a judge of the King's Bench on May 20, 1389. During the remainder of that reign, the whole of the reign of Henry IV., and the first two years of that of Henry V., he retained that position[1], his name frequently occurring in the King's Bench Reports in the Year Books; and his attendance in parliament as a trier of petitions being regularly recorded.[2] Under King Richard he acted for several years as *locum tenens* for the justice of North Wales; and a Roll of the Pleas before him in that character has lately been discovered.[3]

He died in 1415, the third year of Henry V., and was buried in the church of Watford, in Hertfordshire.[4] On his tomb he is called Hugo de Holes, as he is also in the above mentioned Roll. His name is likewise so recorded in the inquisition taken at his death; his first property mentioned in it being the manor of Oxey Richard in the above county. Besides this he died possessed of various other manors in Shropshire, Wilts, Hereford, Gloucester, and Devon; all of which descended to his son Thomas, who died five years afterwards, leaving an only daughter, Margaret, then a minor.[5]

The judge's wife Margaret, the daughter of John Domville, of Moberley, in Cheshire, was also buried in Watford

[1] Dugdale's Chron. Series.
[2] Rot. Parl. iii. 330—648., iv. 3—35.
[3] First Rep. Pub. Rec., Appx. 91.
[4] Weever, 591.
[5] Cal. Inquis. p. m, iv. 13. 52. 152.

church a year after him. Besides Thomas they had three other sons, the descendants of one of whom were settled at Sutton-Courtney, in Berks.[1]

LANGLEY, THOMAS, Bishop of Durham.

Chancellor, 1417.

See under the Reigns of Henry IV. and Henry VI.

LASINGBY, WILLIAM.

Ch. B. E. 1413.

Lasingby is, we believe, a manor in Lincolnshire, from which the chief baron probably derived his name. We do not find any trace of his being "a man of law," so as to bring him within the description of those before whom assizes might be held.[2] This will account for his name never being noticed in the Year Books. The first mention of him appears in the Rolls of parliament of 8 Henry IV., where there are copies of commissions to him and two others to treat on the part of the earl of Northumberland with Robert, King of Scotland, and the ambassadors of France.[3] For his connection with the earl's treasonable proceedings he was attainted, and all his lands forfeited. His two manors of Westharlesley and Estroughton, with other lands and tenements, were granted by the king to Sir Winceslawe Desteynore and his wife.[4] In the last year of Henry's reign, however, he obtained his pardon, and was restored to his possessions with the assent of the parliament.[5]

On the accession of Henry V. he was appointed chief baron of the Exchequer, probably owing his advance to the favour into which Henry the son of Hotspur was then received by the king. The only judicial transaction in which

[1] Ashmole's Antiq. Berks, iii. 303.
[2] Rot. Parl. iii. 605.
[3] See Vol. III. 348.
[4] Cal. Rot. Pat. 254.
[5] Rot. Parl. iii. 655.

we find him engaged, is on the commission to try Richard, Earl of Cambridge, Sir Thomas Grey, and Sir Henry Lescrop, of Marsham, who were condemned for conspiracy against the king's life.[1]

A new chief baron was appointed on November 4, 1419, 7 Henry V.; but whether the vacancy was made by Lasingby's death or resignation does not appear.[2]

LINCOLN, BISHOP OF. *See* H. BEAUFORT.

LODINGTON, WILLIAM.

JUST. C. P. 1415.

IN the first year of the reign of Henry IV. there was a William de Lodington, who was constituted the king's attorney "in Communi Banco et in aliis locis quibuscunque."[3] If he were the same person who was called to the degree of serjeant-at-law in 12 Henry IV., it would seem to contradict the opinion that serjeants only had audience in that court, or at all events to prove that the king's officer was excepted from the limitation. Seeing, however, that there is an interval of eleven years, it is possible that the serjeant was son of the attorney-general. However this may be, he was made one of the king's serjeants on the accession of Henry V.; and on June 16, 1415, in the third year of that reign, he was constituted a judge of the Common Pleas. He enjoyed the office only four years, as he died in 1419, shortly after Ascension Day, 7 Henry V., which is the date of the last fine acknowledged before him.[4] He was buried in the church of St. Peter, at Gunby, in Lincolnshire, where there is a monumental brass to his memory, an engraving of which has been published by the Cambridge Camden Society.

[1] Rot. Parl. iv. 65.
[2] Cal. Rot. Pat. 237.
[3] Dugdale's Chron. Series.
[4] Dugdale's Orig. 46.

MALTON, ROBERT.

B. E. 1413.

See under the Reign of Henry VI.

MARTIN, JOHN.

Just. C. P. 1420.

See under the Reign of Henry VI.

MERSTON, HENRY.

B. E. 1413.

See under the Reign of Henry IV.

Before Henry Merston was a baron of the Exchequer he was an officer in that department. In 5 Henry IV. an entry occurs of his paying certain moneys to John, Earl of Somerset, captain of the castle and town of Calais.[1] Three years afterwards he was raised to the bench of the Exchequer, where he continued during the rest of the reign, and was re-appointed by Henry V.[2] How much longer he kept his place is uncertain; but he was not named as a baron on the accession of Henry VI. He belonged, like most of his brethren, to the clerical profession; and was one of the executors of the king's son Thomas, Duke of Clarence.[3]

John Merston who was keeper of the Jewels to Henry VI.[4] was no doubt of the same family.

NORTON, RICHARD.

Ch. C. P. 1413.

The original name of this family was Conyers, seated in the Bishoprick of Durham; that of Norton having been adopted by Adam Conyers, the father of this Richard, from his mother, who was the heiress of Norton, in Yorkshire.

[1] Devon's Issue Roll, 298.
[2] Cal. Rot. Pat. 252, 260.
[3] Testam. Vetust. 194.
[4] Kal. Exch. ii. 114. &c.

Richard Norton appears as an advocate in the Year Book from the first year of Henry IV., 1399. His first public appointment was that of justice of assize for Durham, to which he was nominated by Thomas Langley on his election to the bishoprick in 1406. It is most probable that he was then a serjeant-at-law, although his writ of summons is not recorded, his name occurring in 4 Henry IV., 1403, among several known to be of that degree, as lending the king 100*l.* to meet the emergencies of the state.[1] He was made one of the king's serjeants in 9 Henry IV., 1408.

Within three months after the accession of Henry V. Chief Justice William Thirning died; and Richard Norton was put in his place in the Common Pleas on June 26, 1413. Fines were levied before him till Michaelmas, 1420, 8 Henry V.[2], and he attended as a trier of petitions in the parliament of December 2 in that year.[3] But on the 20th of that month he closed his career, leaving a family behind him, two of whose descendants were attainted for treason; Richard Norton, some time governor of Norham Castle under Bishop Tunstall, in 1569, who died in exile; and Thomas Norton, executed at Tyburn in 1570.

Phillips in his "Grandeur of the Law, 1684," says that Sir John Norton, of Rotherfield, Hants, Baronet, was one of the judge's descendants; but from the want of the pedigree the line cannot be traced. The baronetcy was granted in 1622, and became extinct in 1652.[4]

NORWICH, BISHOP OF. *See* J. WAKERING.

PRESTON, JOHN.

JUST. C. P. 1415.

See under the Reign of Henry VI.

[1] Acts Privy Council, i. 203.
[2] Rot. Parl. iv. 35—123.
[3] Dugdale's Orig. 46.; and Chron. Ser.
[4] Surtees' Durham, i. lvii. clxi.

STAVERTON, JOHN.

B. E. 1413.

See under the Reign of Henry IV.

JOHN STAVERTON was connected with the county of Suffolk, and in 7 Richard II. had permission to inclose a footpath at Rendelesham, through the middle of a close there, called Snellings-close.[1] His name appears among the officers of the Exchequer in 15 Richard II.[2]; and on the accession of Henry IV. he was constituted a baron of that court. He acted throughout the reign, and was re-appointed by Henry V.[3]; but could not long have retained his place, as he must have been at that time considerably advanced in years.

THIRNING, WILLIAM.

CH. C. P. 1413.

See under the Reigns of Richard II. and Henry IV.

THE family of William Thirning was probably settled at Thirning, in Huntingdonshire, as he is mentioned in a grant of certain land, houses, and rents of the manor of Hemingford Grey, in that county, to the prior and convent of Harwolde.[4]

The recorded commencement of his legal career was in 44 Edward III., 1370, when his name first appears in the Year Books. Of his success in it we have no information until April 11, 1388, 11 Richard II., the date of his appointment as a judge of the Common Pleas, apparently in the place of Sir William Skipwith, who had retired immediately after all his brethren had been attainted by the parliament. Within eight years he was raised to the chief seat in that court, succeeding Robert de Charleton on January 15, 1396, 19 Richard II.[5]

[1] Cal. Inquis. p. m., iii. 66.
[2] Kal. Exch. ii. 108.
[3] Dugdale's Chron. Series.
[4] Cal. Inquis. p. m., iii. 218.
[5] Cal. Rot. Pat. 216. 229.

Hitherto he seems to have confined himself to the performance of his judicial functions, with no other variation than arose from acting as a trier of petitions in parliament. But he was soon called upon to take part in the political scenes which then agitated the country. When King Richard had resumed his royal power, and had contrived in his twenty-first year to summon a parliament ready to do his bidding, the legality of the attainder of the judges ten years before was discussed by both houses, and the legal and judicial officers were called upon to state what they thought of the answers of their predecessors for which they had been condemned. Chief Justice Thirning replied, somewhat evasively, that "the declaration of treason not yet declared belonged to the parliament; but that had he been a lord of parliament, if he had been asked he should have answered in the same manner."[1] All the proceedings of the eleventh year were thereupon of course repealed, and the surviving sufferers recalled from banishment.

Recollecting that these enactments of 21 Richard II. were all annulled within two years in the first parliament of Henry IV., it seems somewhat extraordinary that Sir William Thirning (for he was then a knight), after giving such an opinion, should have been selected as one of the commissioners to receive Richard's resignation of the crown, and should have been put forward so prominently, as the spokesman of the parliament, in pronouncing his deposition. But Henry was a politic prince, and probably deemed it wiser to overlook what might be considered as an act of political necessity, than to make enemies of the lawyers. He no doubt also thought that it would give a judicial weight to the solemn proceeding if it was conducted under the auspices of the oldest and most respected judge upon the bench. Thirning also may be

[1] Rot. Parl. iii. 358.

supposed to have undertaken the office, not from any strong dissatisfaction with Richard's government, nor any positive approval of Henry's title, but because a change having already been made inevitable by Henry's proceedings, he considered it his duty so to act that such change should be effected as peaceably as possible.

Thirning accordingly, with his coadjutors, attended on Richard in the Tower on September 29, 1413, and there received his renunciation of the throne. On the next day it was presented to the parliament, which thought fit, in addition, to allege thirty-three articles of misgovernment against him, and to depute seven commissioners, of whom Thirning was one, to pronounce a sentence of deposition. This being done, the same commissioners were directed, as procurators of the people, to communicate the proceedings to the fallen king, and to resign and give back to him the homage and fealty of his former subjects. The delicate duty fell upon Sir William Thirning, who spoke in the name of them all: and it is but just to say that he confined himself to the words of the sentence, not aggravating it by any harsher language than that in which it was expressed. His speech on this occasion, and that of King Henry on mounting the throne, are curious specimens of the style and orthography of the period.[1]

His last duty in that parliament was to pronounce its sentence on the lords who had appealed the Duke of Gloucester and his friends in 21 Richard II.; and in the following parliament the objects for which it was called were declared in a speech delivered by him.[2] After this his name does not appear in any political transactions; but his judgments are regularly recorded throughout the reign in numerous reports in the Year Books.

On the accession of Henry V. he received his new patent

[1] Rot. Parl. iii. 416. 422, 423, 424.

[2] Ibid. iii. 451. 454.

on May 2, 1413, and was one of the triers of petitions in the parliament that met on the 15th of that month.[1] But he must have died very shortly afterwards; for his widow Joan brought an action of debt in the next Trinity Term[2]; and his successor, Sir Richard Norton, was appointed chief justice in his place on June 26, 1413.

TIRWHIT, ROBERT.

JUST. K. B. 1413.

See under the Reigns of Henry IV. and Henry VI.

WAKERING, JOHN, ARCHDEACON OF CANTERBURY, BISHOP OF NORWICH.

M. R. 1413.

See under the Reign of Henry IV.

JOHN WAKERING, so called from a village of that name in Essex, was certainly one of the masters, or clerks of the higher grade, in Chancery in 19 Richard II., 1395, when he acted as receiver of the petitions to parliament.[3] He probably held the office for some time before, as he was instituted to the valuable living of St. Benet Sherehog in the city of London on February 21, 1389. He was advanced on March 2, 1405, to the mastership of the Rolls[4], which he enjoyed for more than ten years. During this period he held the Great Seal as keeper for twelve days, January 19 to 31, 1410[5], previous to the appointment of Sir Thomas Beaufort as chancellor; and also for another week, while Sir Thomas was engaged in some special business for the king.[6]

He became Archdeacon of Canterbury on July 13, 1405, and Canon of Wells in 1409. On June 3, 1415, he

[1] Rot. Parl. iv. 4.
[2] Rot. Parl. iii. 337.
[3] Y. B., 1 Hen. V., p. 6.
[4] Rot. Pat. 6 Hen. IV., p. 1. m. 14.
[5] Rot. Claus. 11 Hen. IV., m. 8.
[6] Ibid. 12 Hen. IV., m. 9.

exchanged the office of master of the Rolls[1] for that of keeper of the Privy Seal[2]; and in the following year was elected Bishop of Norwich, his consecration taking place on May 31.

When the Council of Constance was held in 1417, to settle the contention between the three claimants of the papal chair, the bishop was one of the six ecclesiastics who were selected to attend on the part of England to assist the conclave in their decision; and he is said to have gained the applause of the assembly by his learning and wisdom. One of the candidates resigned, the two others were formally deposed from their assumed authority, and the election fell on Martin V.

On the accession of Henry VI. the Bishop of Norwich was named as one of the special council of assistance to the protectors; but his services in the third year of that reign were terminated by his death, which occurred at his manor of Thorpe on April 9, 1425, after presiding over his diocese for nearly nine years.

He is spoken of as having been a person of extraordinary merit, pious, bountiful, and affable, and governing his see with prudence and moderation. His liberality was evidenced by the cloisters which he built from the palace to the church, and by the jewels and ornaments he bestowed on the monastery. He was buried in the cathedral.[3]

WALTHAM, ROGER.

B. E. 1418.

THERE was a Roger de Waltham who was keeper of the Wardrobe in the latter part of the reign of Edward II.[4] Looking at the positions held by John de Waltham, after-

[1] Rot. Pat. 3 Hen. V., p. 1. m. 7. [2] Kal. Exch. ii. 130. 132.

[3] Godwin de Præsul. 438.; Blomefield's Norwich, i. 528.; Hasted's Kent, xii. 581.; Rot. Parl. iv. 175. 201.

[4] Rot. Parl. ii. 383. 436.

wards Bishop of Salisbury, and William de Waltham in the Chancery[1], it seems not improbable that the keeper of the Wardrobe was not only the progenitor of both these, but also of this Roger Waltham, the baron of the Exchequer.

Of the latter, as of those of his coadjutors on that bench, scarcely any memorials can be found. All we know of him is that he was appointed a baron in 1418, 6 Henry V.[2]; but we have not the date of his resignation or his death. He was not, however, re-appointed by Henry VI., so that he could not have held his place more than four years.

WESTWODE, ROGER.

B. E. 1413.

See under the Reigns of Henry IV. and Henry VI.

WINCHESTER, BISHOP OF.

See H. BEAUFORT.

[1] See antè, 109—112.

[2] Cal. Rot. Pat. 267.

HENRY VI.

Reigned 38 years, 6 months, and 3 days; from September 1, 1422, to March 4, 1461.

SURVEY OF THE REIGN.

We may conclude that Henry VI. did not follow the practice of some of his predecessors in attending the courts during any part of his reign; since Sir John Fortescue, who wrote at the end of it, observes that it was "not customary for the kings of England to sit in court, or pronounce judgment themselves." The work of this great judge, "De Laudibus Legum Angliæ," is the first which treats the abstruse subject of the principles of our law in a popular form; and may still be read with benefit and pleasure, either in its original Latin or its translation, by those who are interested in tracing the foundations of our jurisprudence. It was written "at Berry," between the years 1461 and 1470, while the learned author, then holding the nominal title of chancellor to the exiled king, was in banishment; "for the encouragement and direction of the Prince in his studies, and to kindle in him a desire to know and understand the laws."

Sir John, after praising the prince for his inclination to martial exercises, gradually leads him on to a thirst after a knowledge of the law, notwithstanding the discouragement he feels when he recollects the length of time which students require to qualify themselves; for which the chancellor says "twenty years are barely sufficient." The principal object of the author is to show the superiority of a political over a despotic government, and consequently of the law of England

over the civil law. To this end he describes the antiquity of the customs of England, explains the form of enacting statutes, and shows the difference between our law and the civil law in various respects. In drawing the distinction between trying causes by witnesses and by a jury, he treats on the application of torture; on the division of the counties concerning sheriffs; and how jurors are chosen and sworn; and describes the mode of trial in cases both civil and criminal. In all these he exhibits the great advantages of our jurisprudence; and pursuing the subject through the conflicting practice of the two systems with respect to the legitimation of children born before marriage; whether children follow the condition of the father or the mother; the tuition of orphans, and the penalties attached to open and to private theft; he advances the arguments on which the English procedure should be reasonably preferred.

Among the subjects which are treated in this valuable work, that which is most useful for the purpose of these pages is the description it gives of the Inns of Court and Chancery in his time, and of the orders or degrees of apprentices and serjeants; together with the appointment and the duties of the judges of England.

It is curious, however, that in his enumeration of the courts he confines his attention to those of the King's Bench and Common Pleas, entirely omitting all notice of the Courts of Chancery and Exchequer, or of the judges who act in them; except that the chancellor of England is incidentally mentioned as introducing a new judge on his nomination.

Reserving the information we thus derive with regard to the judges for its proper place, we shall pursue our accustomed course by treating first of the chancellors.

Although we have seen that that officer was called lord chancellor in the "Ordinatio Cancellarie" noticed in the reign of Henry V., the term "lord" does not appear to have

been then commonly prefixed to the title in the Records of the country. After the single instance to which we have referred in the reign of Edward II[1], it is not to be found in the Rolls of parliament till 24 Henry VI., when it is used in the protest of the lords made by Archbishop Stafford as to the treaty of peace with France[2]; after which we find it occasionally but not universally introduced. The addition "magnus" does not occur till 1 Henry VII.[3]

Of the eight chancellors of this reign one only was a layman, Richard Neville, Earl of Salisbury. Archbishop Stafford remained in the office for the longest period, seventeen years and eleven months; and Bishop George Neville for the shortest, not quite eight months; but this was at the end of the reign. Archbishop Kempe was the only one who held the Great Seal twice; as Bishop Langley's retirement at the beginning of the reign, till re-nominated by the parliament, can scarcely be reckoned. The introductions to the first and second volumes of "Proceedings in Chancery, temp. Queen Elizabeth," and the "Second Appendix to the Fifth Report of the Public Records," p. 38., contain examples of bills addressed to all the chancellors.

Chancellors and Keepers.

Thomas Langley, Bishop of Durham, the chancellor at the death of King Henry IV., held the Seal till September 28, 1422; when he delivered it up to the Duke of Gloucester, who gave it into the custody of

Simon Gaunstede, the master of the Rolls, who remained keeper till the re-appointment in full parliament of

Thomas Langley, Bishop of Durham, on November 16.[4] He retained it about twenty months, when

[1] See Vol. III. p. 179.
[2] Ibid. vi. 267.
[3] Rot. Parl. v. 102.
[4] Rot. Claus. 1 Hen. VI., m. 19 21.

HENRY BEAUFORT, Bishop of Winchester, was appointed chancellor on July 6, 1424.[1] On the parliamentary reconciliation between him and the Duke of Gloucester he resigned the Great Seal, which was given to

JOHN KEMPE, Bishop of London, on March 16, 1426.[2] In the next month he was raised to the Archbishoprick of York, and remained in office for nearly six years; when on his resignation,

JOHN STAFFORD, Bishop of Bath and Wells, was sworn in as chancellor on March 4, 1432.[3] He became Archbishop of Canterbury in May, 1443, and retained the Great Seal for nearly eighteen years. During his absence at Calais from April 22 to May 23, 1433, the Great Seal was placed in the hands of John Franks, master of the Rolls, with full power to execute all matters of justice in the Chancery till the bishop's return.[4]

JOHN KEMPE, Archbishop of York, and cardinal, received the Seal on January 31, 1450.[5] On the death of Stafford in July, 1452, he succeeded him as Archbishop of Canterbury; and continued chancellor till his own death on March 22, 1454.

RICHARD NEVILLE, Earl of Salisbury, was appointed chancellor by the Duke of York, who was then protector, on April 2[6]; but was in about a year removed by the king, who placed

THOMAS BOURCHIER, Archbishop of Canterbury, in the office on March 7, 1455.[7] He was superseded by

WILLIAM WAYNFLETE, Bishop of Winchester, on October 11, 1456.[8] Resigning the Seal on July 7, 1460, three days before the battle of Northampton,

GEORGE NEVILLE, Bishop of Exeter, was entrusted with

[1] Rot. Claus. 2 Hen. VI., m. 2.
[2] Ibid. 4 Hen. VI., m. 8.
[3] Ibid. 10 Hen. VI., m. 8.
[4] Ibid. 11 Hen. VI., m. 12.
[5] Ibid. 28 Hen. VI., m. 7.
[6] Rot. Claus. 32 Hen. VI., m. 8.
[7] Ibid. 33 Hen. VI., m. 9.
[8] Ibid. 35 Hen. VI., m. 10.

it on the 25th of that month[1], and continued in office for the nominal remainder of the reign.

Sir John Fortescue calls himself Chancellor of Henry VI.; and although no record exists of his nomination, he no doubt received it during the exile of the unfortunate king; but he clearly was never in possession of the Great Seal, nor ever assumed the character in England. If, therefore, we are to recognise Edward IV. as sovereign of this country from his assumption of the crown on March 4, 1461, it necessarily follows that no appointment made by Henry VI. till his temporary restoration ten years afterwards can be acknowledged; and consequently we have felt ourselves obliged to omit the loyal and learned claimant from our list.

During the short period of that restoration, which lasted only about six months from October 8, 1471, Fortescue was certainly not chancellor; GEORGE NEVILLE, Archbishop of York, being the only person named as possessing that title.[2]

We have no precise information as to the amount of the salary or profits of the office; but in the account of the revenue, presented by the treasurer to the parliament in 12 Henry VI., is the following entry[3], which, however, applies only to part of them:—

	£	s.	d.
"De exit' Hanaperii, a primo Die Septembris anno X°, usque eundem diem anno XI°. - - -	1668	3	4
Inde de Vad', Feod' et Vestur' Cancellar', et al' de Cancellar'; necnon divers' annuit' inde concess'	1530	10	8½
Et rem' -	137	12	7½."

The Records afford evidence of no less than three seals being delivered to the chancellors during this reign: viz. one of gold, and two of silver; one of the latter being described as "of a large form," and the other "of a smaller

[1] Rot. Claus. 38 Hen. VI., m. 5. 7.
[2] Rymer, xi. 672.
[3] Rot. Parl. iv. 433.

form." The gold one and the larger silver one were those which had been used by the king's predecessors. Of these the gold appears to have been delivered into the Treasury on November 20, 1422[1] (after the death of Charles VI. of France), and was not delivered out of it till March 18, 1426.[2] In the interval no doubt the king's name was altered; and if the new style of Henry V. had been inserted, the old style was restored. The seal in general use was clearly the larger silver seal, the employment of that being specially mentioned in the record of the appointment of several of the chancellors. The smaller silver seal is not alluded to till January 31, 1450, 28 Henry VI., when it is described as "a certain other royal seal of silver brought to the king from the Treasury," and was delivered with the other two seals to Cardinal Kempe on his second appointment to the chancellorship.[3] The legend on it is "Henricus Dei gracia, Francorum et Anglie Rex."[4]

There were four masters of the Rolls during this reign, who were all ecclesiastics.

MASTERS OF THE ROLLS.

SIMON GAUNSTEDE was continued in that office which he had enjoyed during the greater part of the reign of Henry V. He was succeeded by

JOHN FRANK, Archdeacon of Suffolk, on October 28, 1423.[5] Whether his tenure of fifteen years was terminated by his death or resignation is uncertain; but

JOHN STOPINDON, Archdeacon of Colchester, was appointed on November 13, 1438[6]; and kept the place till his death between March 29 and May 15, 1447, when

THOMAS KIRKEBY, who had received a grant of the

[1] Rot. Claus. 1 Hen. VI., m. 21.
[2] Rot. Parl. iv. 299.
[3] Rot. Claus. 28 Hen. VI., m. 7.
[4] Archæol. Journ. ii. 32.
[5] Rot. Pat. 2 Hen. VI., p. 1. m. 34.
[6] Ibid. 17 Hen. VI., m. 15.

office in reversion of the former date[1], succeeded. He however had a new grant on January 26, 1448, for the term of his life[2], and was still in possession at the deposition of the king.

The first two of these, it will have been seen, were entrusted with the Great Seal during the temporary retirement and absence of the chancellor. Among the documents printed in the introduction to the "Proceedings in Chancery, temp. Queen Elizabeth," is a bill addressed "To my full honorable and right worshipful Maister, my Mayster the Clerke of the Rolls;" which may have been addressed to either of these two while the Seal was in their custody. But neither name nor date appears; and it is only from the handwriting that it is judged to belong to this reign.

The patent to John Stopindon in 17 Henry VI. includes, for the first time in the same grant, the custody of the House of Converts, which is expressly stated to be "pro inhabitatione;" and the same words are repeated in Thomas Kirkeby's reversionary patent. By a payment made to the latter in 29 Henry VI. we find that he had twenty marks per annum as keeper of that house, with two chaplains at 4*l.* each, and one clerk at two marks; and also that there were in the house only three male converted Jews, receiving three halfpence a day each; and one female receiving a penny a day.[3]

Masters in Chancery.

The masters in Chancery named in the last reign, who acted in this, were —

Simon Gaunstede, M. R. - - - - -	1–2	Henry VI.
John Springthorpe - - - - -	1	—
John Hertilpole - - - - -	1 to 10	—
John Frank (M. R. 2 Henry VI.) - -	1 to 17	—

[1] Rot. Pat. 25 Hen. VI., m. 7.
[2] Ibid. 26 Hen. VI., p. 1. m. 24.
[3] Devon's Issue Roll, 471.

John Thoralby	1 to 9	Henry VI.
John Mapilton	1 to 10	—
Henry Shelford	1 to 18	—
Henry Keys	1-2	—
John Roland	1-2	—

The following are of this reign—

John Stokes	2 to 27	—
Nicholas Wymbysh	2 to 29	—
William Prestwyk	3 to 14	—
John Thoralby	3 to 9	—
William Hill	4 to 32	—
Henry Shelford	8 to 18	—
John Stopindon (M. R. 17 Henry VI.)	10 to 25	—
John Faukes	10 to 39	—
John Bate	15 to 39	—
Thomas Kirkeby (M. R. 25 Henry VI.)	18 to 39	—
Robert Monter	18 to 29	—
John Cammell	20 to 29	—
John Stokes	20 to 27	—
Shecfield	20	—
Richard Wetton	28 to 39	—
? Thomas Kent	31	—
? The Dean of St. Severins de Bourdeaux	31	—
Richard Langport	31	—
Richard Fryston	31 to 39	—
Robert Kirkham	32 to 39	—
William Normanton	32	—
John Derby	33	—
Gilbert Haydock	38	—
Thomas Manning	38	—
John Chamberleyn	39	—
John Pemberton	39	—

Fortescue is the earliest authority we have that every judge of the superior courts must of necessity be of the degree of the Coif. He says, "no one, be he never so well read and practised in the laws, can be made a judge of the Courts of King's Bench or the Common Pleas, which are the supreme ordinary courts in the kingdom, unless he be first called to be a serjeant-at-law." This custom no doubt arose from the fact that all those who were authorised to plead in

the courts were originally of that degree; and that when by the increased duties devolving on the judges it became requisite to appoint legally educated men to the office, the selection was necessarily confined to the serjeants. The introduction of other pleaders was the inevitable consequence of the subsequent division of the courts in the reign of Henry III.; when the serjeants naturally chose for their practice the Court of Common Pleas, where the most abstruse knowledge of the law was required involving the rights of property; and where, too, the greatest harvest was to be reaped, as in it the "clamores populi" — all private suits — were to be heard. The opening of the Chancery as a regular court, and the gradual increase of business that flowed from many sources into the King's Bench, though not comprehending as yet any of a strictly private nature, naturally created a demand for other pleaders; and these gradually becoming more numerous, eventually formed a distinct and distinguished class; many of them engrossing a large amount of practice, esteemed as equally learned with those who held the higher degree, and assuming, as we have seen, although unsuccessfully, the right to refuse to take upon themselves the dignity of serjeant when called upon by the king's writ to do so. Without that degree, however, no one could ever be made a judge of either of the two superior courts; and we are not aware of any one judge up to the end of this reign who was not a serjeant previous to his elevation to the bench, or who was selected from among the other pleaders, and created a serjeant, according to the present practice, for the purpose of such elevation.

It is to be remarked, however, that the barons of the Exchequer are not included among the judges. The Court of Exchequer was evidently not at that time esteemed as one of the superior courts of justice; which are expressly confined by Fortescue to the Court of King's Bench and the Court of

Common Pleas. Under the statute of 14 Edward III., even the chief baron was excluded from holding assizes "unless he were a man of law," while the serjeants were privileged to be so employed; and one of them at least was almost invariably included in the commissions for that duty; the names of the puisne barons, unless they happened to be serjeants, never occurring.

The popular notion that twelve was the legitimate or even accustomed number of judges is completely refuted by Fortescue's account. It is clear that they varied in number according to the whim of the monarch, the claims on the government, and the necessity for additional or reduced assistance in the courts. He states that in the King's Bench there were "four, and sometimes five;" and that in the Common Pleas there were "usually five, and six at the most." Even this last number was sometimes, as we shall presently see, extended. The barons he does not enumerate, manifestly because they were not judges.

The mode of their appointment is thus described: —

"When any one of them dies, or shall be otherwise removed, the king, by the advice of his council, chooses one of the serjeants-at-law, whom by his letters patent he constitutes a judge in the room of the late judge; and the Chancellor of England goes into the court where such vacancy is, taking with him the letters patent, and, sitting in the midst of the judges, causes the serjeant so elected to be introduced; to whom in open court he notifies the king's pleasure as to the vacant office, and directs the letters patent to be read in public. This being done, the keeper of the Rolls of Chancery reads before the elected judge the oath which he is about to make; and when he has sworn it on the Holy Evangelists, the chancellor delivers to him the letters patent, and the chief justice of the court assigns to him his place where he is to sit, and then makes him sit therein."

He swears, by the oath so taken, to administer justice indifferently to all men suing before him, enemies and friends; nor to delay to do so, even though the king by his letters, or by word of mouth, should command the contrary. He swears that he will not receive from any one but from the king any fee, or pension, or robe, nor take any gift from any party having a plea before him, except meat and drink, which shall not be of great cost.

No feast, solemnity, nor other expense attends on his accession to this dignity; because, as Fortescue says, it is not a degree in the faculty of law, but an office and station of magistracy, determinable at the king's pleasure. The judge, however, is to change his dress in some though not in all particulars. Instead of the hood which he wore as a serjeant, he shall be habited with a cloak (*chlamyde*) fastened on his right shoulder. In other respects he retains the ornaments of a serjeant, except that he is not to wear a party-coloured habit, and his cape is to be furred with minever instead of white lamb. The venerable author shows himself somewhat fond of personal appearance, by intimating to his prince a hope that, when he shall come into power, he will make this dress a little more ornamental, for the honour of the law and the credit of his kingdom.

When we recollect that this is not the description of a new institution, but of one which at the time it was written had already existed more than two centuries; and when we see, after a lapse of an additional four hundred years, that the old practice prevails at the present hour without any essential alteration; it is impossible not to be interested in the account thus given by an eye-witness; and the reader can scarcely be chargeable with romantic feelings if he acknowledges a degree of veneration towards a body with so ancient a pedigree, and the learning, integrity, and firmness of which have been rendered even brighter and more apparent by con-

trast with the failings of a few of its members, who at intervals during the course of ages have disgraced their position.

The labours of the judges in those days do not seem to have been very severe; their sittings not exceeding three hours, from eight in the morning till eleven; and the courts not being open in the afternoon. The rest of the day they spent "in the study of the laws, reading the Holy Scriptures, and other innocent amusements at their pleasure; so that," the author acknowledges, "it seems rather a life of contemplation than of activity."

The chlamys fastened on the right shoulder, as described by Fortescue, is represented on a monumental brass in Graveney church, Kent, dedicated to the memory of Justice John Martyn, who died in 1436, 15 Henry VI.[1]

The three robes which were allowed every year to each judge by Edward III. appear to have been reduced to two, which in 12 Henry VI. are thus described, "one with fur at Christmas, and the other with linen (linura) at the feast of Pentecost;" and the grant was always for so long as he should remain in office.[2] Several instances occur, however, of the robes being continued for life after the office had been vacated.

The colour of the robes seems to have varied. In the reign of Edward III. we have seen that they were of the colour called "curcus;" and in that of Richard II. they were green. In this reign Fortescue, by not naming any colour, seems to leave it discretionary with the judges, except that the habit must not be party-coloured: and according to the extract given by Dugdale from the Wardrobe Book of 22 Henry VI. the summer robe was green, and the winter one violet. The allowance in that case was to the chief and other barons of the Exchequer, who received, as far as

[1] Boutell's Monum. Brasses of England, 44.

[2] Acts Privy Council, iv. 265.

appears, the same robes as the judges of the other courts. It consisted, for the winter robe, of ten ells of violet ingrain, with one fur of 32 bellies of "minever pur" for the hood; and another fur of 123 bellies of "minever gross," with two furs each of seven tyres of silk; while for the summer robe they had ten ells of green cloth long, and half a piece of green tartarin.

The nominal salaries to the judges remained the same as in former reigns; viz. 40*l.* to the chief, and forty marks to the puisne, justices of each court. But beyond this there were always additional grants by separate letters patent; to the chief justice of the King's Bench, of 180 marks; to the chief justice of the Common Pleas, 93*l.* 6*s.* 8*d.*; and to each of the other judges 110 marks; and all who acted as justices of assize received 20*l.* a year. These sums were payable half-yearly at Easter and Michaelmas; but it is evident they were frequently allowed to get into arrear.

In the account of the revenue delivered to parliament at Michaelmas, 12 Henry VI., besides 780*l.* then due to "divers judges and other officers of the court," a sum of 75*l.* is stated to be owing to John Martyn, justice, before that Michaelmas; and 50*l.* to William Goderede, one of the king's serjeants.[1] The irregularity in the payments became so great, that six years afterwards, in 18 Henry VI., a petition was presented to parliament by the justices of both benches, the justices of assize, and the king's serjeants and attorney, complaining that they were often not paid their fees and rewards, nor their robes, for two years and more, to their great loss and impoverishment; and praying that the clerk of the Hanaper and the receivers of the customs in the ports of London, Bristol, and Kingston-upon-Hull should regularly pay to them the said fees and rewards, and such

[1] Rot. Parl. iv. 437.

sums of money as had been allowed to the keeper of the Wardrobe for their robes for the greater part of ten years past, together with all their arrears.[1]

The king and parliament having assented to the prayer, a writ was issued thereupon to the treasurer and chamberlains of the Exchequer, in whose answer to which the above mentioned salaries and allowances are specified, and an account is given of the arrears due on November 12 to each of the judges up to the previous Michaelmas. They also certify the quantity of cloth, &c. delivered for the robes; the only difference from the preceding account being in the colour, which in regard both to the winter and summer robe is described as "panni coloris long.;" the meaning of the latter word being uncertain. The average value of the winter robes they estimate at 106 shillings and eleven pence three farthings and the sixth of a halfpenny; and that of the summer robe at 63 shillings and six pence.[2]

From this time the allowance of cloth and fur for robes was commuted into a money payment: and in pursuance of this arrangement we accordingly find that Chief Justice Prisot, on his appointment in 27 Henry VI., had a grant of these amounts.

It will be observed that the barons of the Exchequer are not parties to this petition; and it is remarkable that in the certificate of the treasurer, &c., though John Fray had been then nearly four years chief baron in that court, he is only included among those to whom arrears are due as "one of the justices of assize."

The early elevation of a serjeant to the bench was not always considered a benefit, as we find from a petition from William Ayscoghe, who complains that by his being made a justice "or he had ben fully two yere" a serjeant, "all his

[1] Rot. Parl. v. 14.

[2] Dugdale's Orig. 105—109.

winnings that he sholde have hade in the said office of serjeant, and alle the fees that he had in Englande werre and be cessed and expired to his grete empovrysshyng."[1]

In 9 Henry VI. the assizes and Nisi Prius were adjourned during the sitting of parliament[2]; and on October 28, 1434, 13 Henry VI., all pleas then pending were ordered to be continued to the octaves of St. Hilary, in consequence of the king's serjeants and attorney having withdrawn from London on account of the pestilence then raging there.[3]

Chief Justices of the King's Bench.

Sir William Hankford, who had held the chief justiceship of the King's Bench during the whole of the last reign, was re-appointed on the accession of Henry VI.; but only lived till December 20, 1422, if the inscription on his monument be correctly given. In that case the office of chief justice must have been vacant more than a year; for

Sir William Cheyne was not appointed till January 21, 1424, 2 Henry VI.[4] After presiding for fifteen years he resigned, and

Sir John Juyn, chief justice of the Common Pleas, succeeded him on January 20, 1439, 17 Henry VI. On his death fifteen months afterwards,

Sir John Hody was made chief justice April 13, 1440, 18 Henry VI. In less than two years

Sir John Fortescue was placed at the head of the King's Bench on January 25, 1442, 20 Henry VI.; and there is nothing to show that he did not continue to preside till Edward IV. seized the throne on March 4, 1461.

[1] Archæologia, xvi. 2.
[2] Rot. Parl. iv. 376.
[3] Acts Privy Council, iv. 232.
[4] Ibid. iii. 132.

JUSTICES OF THE KING'S BENCH.

I. 1422. Sept.	Roger Horton, William Cheyne, Robert Tirwhit,	were all re-appointed to the places they held in this court at the end of the last reign.
II. 1424. Jan. 21.	John Hals, vice W. Cheyne made Ch. K. B.	
IV. 1426. Feb. 6.	William Westbury, vice ? R. Horton.	
XII. 1434. July 3.	William Goderede, vice ? J. Hals.	
XXI. 1443.	William Yelverton, vice W. Goderede.	
XXII. 1444. Feb. 6.	John Markham.	
XXIII.? 1445.	Richard Bingham.	
XXX. 1452. July 3.	Ralph Pole.	

The number of judges in this court commenced with four, but was afterwards extended to five. One of these (Ralph Pole) died, we think, before the end of the reign, when they were reduced to the following four:

John Fortescue, chief justice,
William Yelverton, John Markham,
Richard Bingham.

CHIEF JUSTICES OF THE COMMON PLEAS.

THE office of chief justice of the Court of Common Pleas had been vacant since the death of Richard Norton, nearly two years before the close of the reign of Henry V.: its duties being evidently performed by William Babington, who held the double position of chief baron of the Exchequer and a puisne judge of the Common Pleas. The same arrangement was pursued for eight months after the accession of Henry VI.; when

WILLIAM BABINGTON was constituted chief justice on May 5, 1423. He was succeeded by

JOHN JUYN on February 9, 1436, 14 Henry VI.; on whose becoming chief justice of the King's Bench,

JOHN COTESMORE received the appointment on January 20, 1439. He died within nine months; when

RICHARD NEWTON succeeded him about October 14, 1439; and remained in the place till his death, near ten years afterwards.

JOHN PRISOT was then appointed on June 16, 1449, 27 Henry VI., and at the end of the twelve remaining years of the reign still occupied the post.

JUDGES OF THE COMMON PLEAS.

THE same puisne judges who sat in this court at the death of Henry V. were re-appointed: viz. —

I.	1422. Sept.	William Babington, who was also chief baron.
		Robert Hill.
		John Cokayn.
		John Preston.
		John Martin.
	1423. May 5.	John Juyn, vice W. Babington made Ch. C. P.
		John Hals.
IV.	1426. Feb. 6.	James Strangeways, vice ? R. Hill.
VIII.	1429. Oct. 15.	John Cotesmore, vice ? J. Cokayn.
		William Paston, vice ? J. Preston.
XVII.	1438. Nov. 8.	Richard Newton, vice ? J. Juyn.
	1439. Jan.	Thomas Fulthorpe, vice J. Cotesmore.
XVIII.	1440. April 17.	William Ayscoghe, vice ? R. Newton.
XXI.	1443.	John Portington, vice ? J. Strangeways.
	1444. June.	Nicholas Ayshtone, vice ? W. Paston.
XXVII.	1448. ? Nov.	Peter Arderne, Ch. B. E.
XXVIII.	1450. Aug. 14.	Robert Danvers.
XXX.	1452. June 28.	Robert Danby.
XXXII.	1454. July 9.	Walter Moyle, loco ? W. Ayscoghe.
XXXV.	1457. May 9.	John Needham, loco ? J. Portington.

The judges of the Common Pleas fluctuated in number during this reign, being sometimes as few as five, and sometimes as many as eight. At the beginning and at the end of it there were seven. Those on the bench at the latter period were,

John Prisot, chief justice,

Nicholas Ayshtone,	Robert Danby,
Peter Arderne, Ch. B. E.,	Walter Moyle,
Robert Danvers,	John Needham.

No less than three chief barons of the Exchequer successively acted at the same time as justices of this court; William Babington, John Juyn, and Peter Arderne.

During this and the two previous reigns there are four instances of judges receiving patents enabling them to take recognitions wherever they might happen to be; viz., Robert Tirwhit in 9 Henry IV., Roger Horton in 3 Henry V., William Westbury in 4 Henry VI., and Thomas Fulthorpe in 27 Henry VI. None of the first three patents give any reason; but in the last it is stated that Fulthorpe shall not be compelled "residere" in his office, "pro salute sua."[1] Perhaps illness was the cause of the privilege being granted in each case.

CHIEF BARONS OF THE EXCHEQUER.

WILLIAM BABINGTON was continued in his two places of chief baron of the Exchequer and justice of the Common Pleas, which he had held at the close of the last reign. At the end of eight months he resigned the former; and

JOHN JUYN was appointed his successor as chief baron on May 5, 1423, 1 Henry VI., holding at the same time, like his predecessor, a judgeship in the Common Pleas. He kept both till he was made chief justice of the latter court; when

JOHN FRAY succeeded him as chief baron on February 9, 1436, 14 Henry VI. On his retirement

PETER ARDERNE was put in his place May 2, 1448, 26 Henry VI., and sat during the thirteen remaining years of the reign.

All of these except John Fray held the office of justice of the Common Pleas at the time they presided over this court.

[1] Cal. Rot. Pat. 254. 264. 273. 293.

Barons of the Exchequer.

The barons at the close of the former reign all received new patents: viz.—

I.	1422.	Sept.	Roger Westwode.
			Robert Malton.
			William Hesill.
	1423.	Jan. 26.	Nicholas Dixon.
II.		Nov. 4.	Thomas Banastre, vice ? R. Westwode.
	1424.	May 18.	Thomas Banke, vice W. Hesill.
IV.	1426.	May 26.	William Ward, vice ? R. Malton.
		?	John Fray, vice ? W. Ward.
XIII.	1435.	Feb. 8.	William Derby, vice J. Fray, made second baron.
XIV.	1436.	June 16.	William Derby, second baron, vice J. Fray, made Ch. B. E.
		?	William Fallan, third baron, vice W. Derby.
XVII.	1438.	Nov. 3.	Roger Hunt, second baron, vice W. Derby.
XXII.	1444.		? Robert Frampton.
		Feb. 5.	John Arderne, vice ? R. Hunt.
	?		William Levesham.
XXIV.	1446.	Feb. 3.	John Holme.
XXVI.	1447.		Gilbert Haltoft, second baron, vice ? J. Arderne.
XXVII.	1449.	May 27.	John Durem, vice W. Levesham.
XXXI.	1453.		Thomas Thorpe, third baron, vice W. Fallan.
XXXVII.	1458.	Nov. 2.	Brian Roucliffe, third baron, vice T. Thorpe, made second baron on Nov. 30.
XXXIX.	1460.	Oct. 10.	John Clerke, second baron, vice T. Thorpe.

The number of barons during this reign sometimes extended to five, but was commonly limited to four, who at the end of it were,

Peter Arderne, chief baron,
John Clerke, Brian Roucliffe,
John Durem.

The judicial position of the puisne barons of the Exchequer was clearly not advanced under Henry VI. They were not bred up as lawyers, but were generally raised to that bench

from being clerks and officers in the department.[1] The name of no one of them occurs in the Year Books either before or after their elevation to the office of baron. To their exclusion from the assizes the single instance of John Fray going the circuits while he was a puisne baron can scarcely be considered an exception; inasmuch as he had been recorder of London, and was afterwards made second baron, and ultimately chief baron: so that it is more than probable that he was also a serjeant-at-law, and thus was privileged to act. Several of the barons were in holy orders; and two, Roger Hunt and Thomas Thorpe, were members of the House of Commons and speakers of that assembly. And lastly, they are not mentioned in Sir John Fortescue's treatise among the judges of the land; besides which, his single notice of them is a clear evidence of their inferiority in grade and consideration. In enumerating the persons to whom a new serjeant on taking upon him his degree gives rings, he describes those presented to every lord of parliament, &c. and "to every justice" to be of the value of one mark; while to "each baron of the Exchequer," &c. the ring is to be "of a less value in proportion to their rank and quality."

On the restoration of Henry VI. to the throne on October 9, 1470, after Edward IV. had filled it nearly ten years, his records bore the date of two regnal years; viz., the forty-ninth year from the beginning of his reign, and the first "readeptionis nostræ regiæ potestatis;" and the unfortunate monarch had no opportunity of changing these numbers, as his crown was again wrested from him in the following April.

During that short period of six months very few of the legal functionaries were removed.

[1] Rot. Parl. v. 338.

King Edward's lord chancellor, Robert Stillington, Bishop of Bath and Wells, being more of a political than of a judicial character, of course retired from the scene; and was succeeded by GEORGE NEVILLE, Archbishop of York.

ROBERT KIRKHAM was not removed from his office of master of the Rolls for the first four months; but

WILLIAM MORLAND on February 12, 1471, two months before the second deposition of King Henry, was nominated in his place.

In the King's Bench,

Thomas Billing, ch. just.,
Richard Bingham,
William Yelverton,
William Laken,
} all retained the places they held under Edward IV.; and

Richard Neale was added to them.

In the Common Pleas,

Robert Danby, ch. just.,
John Needham,
Walter Moyle,
Richard Choke,
Thomas Lyttelton,
Thomas Yonge,
} who were Edward's judges at the time, were all re-appointed.

In the Exchequer,

Richard Illingworth, chief baron, and

John Clerke,
Brian Roucliffe,
John Durem,
} three of the other barons, were continued in office; and as the name of

John Ingoldesby, who had been appointed shortly before, does not appear, it seems probable that he had died before Henry's re-accession.

No other alteration took place before Edward IV. resumed the crown.

TABLE OF THE CHANCELLORS AND KEEPERS OF THE SEAL, AND OF MASTERS OF THE ROLLS.

A. R.	A. D.	Chancellors or Keepers.	Masters of the Rolls.
1	1422, Sept. 1	Thomas Langley, Bishop of Durham	Simon Gaunstede.
	28	Simon Gaunstede, M. R. *Keeper*	—
	Nov. 16	Thomas Langley, Bishop of Durham	—
2	1423, Oct. 28	—	John Frank.
	1424, July 6	Henry Beaufort, Bishop of Winchester	—
4	1426, March 16	John Kempe, Bishop of London, afterwards Archbishop of York	—
10	1432, March 4	John Stafford, Bishop of Bath and Wells, afterwards Archbishop of Canterbury	—
17	1438, Nov. 13	—	John Stopindon.
25	1447, May	—	Thomas Kirkeby.
28	1450, Jan. 31	John Kempe, Archbishop of York	—
32	1454, April 2	Richard Neville, Earl of Salisbury	—
33	1455, March 7	Thomas Bourchier, Archbishop of Canterbury	—
35	1456, Oct. 11	William Waynflete, Bishop of Winchester	—
38	1460, July 25	George Neville, Bishop of Exeter, afterwards Archbishop of York	—
		AFTER THE RESTORATION.	
49	1470, Oct. 8	George Neville, Archbishop of York	Robert Kirkham.
	1471, Feb. 12	—	William Morland.

TABLE OF THE CHIEF JUSTICES AND JUSTICES OF THE KING'S BENCH.

A.R.	A.D.	CHIEF JUSTICES.	JUSTICES OF THE KING'S BENCH.			
1	1422, Oct.	William Hankford	Robert Tirwhit	Roger Horton	William Cheyne.	
2	1424, Jan. 21	William Cheyne	—	—	John Hals.	
4	1426, Feb. 6	—	—	William Westbury	—	
12	1434, July 3	—		—	William Goderede.	
17	1439, Jan. 20	John Juyn		—	—	
18	1440, April 13	John Hody		—	—	
20	1442, Jan. 25	John Fortescue		—	—	
21	1443,	—		—	William Yelverton.	
22	1444, Feb. 6.	—	John Markham	—	—	
23	? 1445,	—	—	—	—	Richard Bingham.
30	1452, July 3	—	—	Ralph Pole	—	—

AFTER THE RESTORATION.

49	1470, Oct. 9	Thomas Billing	Richard Bingham	William Yelverton	William Laken	Richard Neale.

TABLE OF THE CHIEF JUSTICES AND JUSTICES OF THE COMMON PLEAS.

A.R.	A.D.	CHIEF JUSTICES.	JUSTICES OF THE COMMON PLEAS.						
1	1422, Oct.		William Babington, Ch. B. E.	John Cokayn	Robert Hill	John Preston	John Martin.		
	1423, May 5	William Babington	John Juyn, Ch. B. E.	—	—	—	—	John Hals.	
4	1426, Feb. 6	—	—	—	James Strangeways	—	—		
8	1429, Oct. 15	—	—	John Cotesmore	—	William Paston	—		
14	1436, Feb. 9	John Juyn		—	—	—	—		
17	1438, Nov. 8	—	Richard Newton	—	—	—	—		
	1439, Jan. 20	John Cotesmore	—	Thomas Fulthorpe	—	—	—		
18	Oct. 14	Richard Newton		—	—	—	—		
	1440, April 17	—	William Ayscoghe	—	—	—	—		
21	1443,	—	—	—	John Portington	—	—		
22	1444, June	—	—	—	—	Nicholas Ayshtone			
27	1448, ? Nov.	—	—	—	—	—	Peter Arderne, Ch. B. E.		
	1449, June 16	John Prisot	—	—	—	—	—		
28	1450, Aug. 14	—	—	—	—	—	—	Robert Danvers.	
30	1452, June 28	—	—	—	—	—	—	—	Robert Danby.
32	1454, July 9	—	Walter Moyle	—	—	—	—	—	—
35	1457, May 9	—	—	—	John Needham	—	—	—	—
			AFTER THE RESTORATION.						
49	1470, Oct. 9	Robert Danby	Walter Moyle	John Needham	Richard Choke	Thomas Lyttelton	Thomas Young.		

A. R.	A. D.	Chief Barons.	Barons of the Exchequer.			
1	1422, Sept.	William Babington	Roger Westwode, 2d	Robert Malton	William Hesill.	
	1423, Jan. 26	—	—	—	—	Nicholas Dixon.
	May 5	John Juyn	—	—	—	—
2	Nov. 4	—	Thomas Banastre	—	—	—
	1424, May 18	—	—	—	Thomas Banke	—
4	1426, May 26	—	—	William Ward	—	—
	?	—	—	John Fray	—	—
13	1435, Feb. 8	—	John Fray, 2d	William Derby, 3d	—	—
14	1436, Feb. 9	John Fray	—	—	—	—
	June 16	—	William Derby, 2d	William Fallan		—
17	1438, Nov. 3	—	Roger Hunt	—		
22	1444, Feb. 5	—	John Arderne	—	Robert Frampton	
24	1446, Feb. 3	—	?	—	William Levesham	John Holme.
26	1447,	—	Gilbert Haltoft	—	—	—
	1448, May 2	Peter Arderne	—	—	—	—
27	1449, May 27	—	—	—	John Durem.	
31	1453,	—	—	Thomas Thorpe	—	
37	1458, Nov. 2	—	—	Brian Roucliffe	—	
	30	—	Thomas Thorpe, 2d	—	—	
39	1460, Oct. 10	—	John Clerke	—	—	
			After the Restoration.			
49	1470, Oct. 9	Richard Illingworth	John Clerke	Brian Roucliffe	John Durem.	

ATTORNATI REGIS.

During this long reign there were only three attorney-generals: viz. —

I. 1422. Nov. 11. William Babthorp, who held the same office in the last reign.
VIII. 1429. Oct. 28. John Vampage; and on his death
XXX. 1452. June 30. William Nottingham.

Neither of these appears to have been called to the degree of serjeant; but William Nottingham, who acted till the end of this reign, became chief baron before the conclusion of the next.

The salary was 10*l.* a year, payable half yearly at Easter and Michaelmas.

We have a melancholy mention of the queen's attorney, who according to the Chronicles was slain in a fray which took place in Fleet Street on April 13, 1458, between the inhabitants and the men of court.[1]

It is said by Fortescue, that no one before the time when he wrote had assumed the state and degree of a serjeant who had not completed sixteen years at least in the general study of the law.[2] For how many of these it was necessary to practise in the courts he does not tell us; and from the numerous instances of the names of eminent persons who afterwards became judges not occurring in the Year Books until after they had taken the degree of the Coif, some might infer that they were not privileged to plead till then. This, however, would be a false conclusion, for the Year Books also give many examples of apprentices acting as advocates, some of whom were subsequently made serjeants; and the

[1] Holinshed, iii. 246.

[2] Chap. i. The translator says, "till he hath been first *a student and a barrister* full sixteen years;" but this is an interpolation, no such words occurring in the original Latin.

instances alluded to probably prove no more than that the services of those persons had been previously confined to a different arena, either in the Chancery or the King's Bench, or the provinces, the reported cases in which are comparatively infrequent. The only monopoly which, according to Fortescue, the serjeants enjoyed, was the sole right "to plead in the Court of Common Pleas, where all real actions are pleaded."

The account given by the author of the making of serjeants, curtailed as it is in many particulars to accommodate his princely pupil, cannot be read without interest, as the earliest that we have of a ceremony not yet obsolete, and which was even then — 400 years antecedent to the present time — spoken of as of great antiquity.

The nomination of those who were to be so dignified was made by the chief justice of the Common Pleas, who, with the advice and consent of all the other judges, sent up the names in writing to the chancellor; whereupon the king's writ was issued, commanding them under a heavy penalty to take upon themselves the state and degree of a serjeant-at-law on a certain day, and to give gold, according to the ancient custom of the realm. The persons selected were to be those who had made the greatest proficiency in the study of the law, and who in other respects were discreet and well qualified for the honour. Seven or eight were generally summoned at the same time; in order, no doubt, that the great expense which accompanied their creation might be diminished by division. Even with that number, Fortescue states that each of them must not expend less than 260*l.*, making an aggregate of 3200 marks. One of the principal items in this large disbursement was for "a sumptuous feast, like that of a coronation, which was to continue for seven days together;" and another was for presents of gold rings of the value in the whole, from each serjeant, of at least 40*l.*, and which in his

own case, Fortescue adds, amounted to 50*l.*; a sum considerably exceeding 200*l.* in our present money.

The recipients of these presents comprehended all grades, from the prince to the meanest clerk of the courts; and the value of them was proportioned to each degree in the following manner.

A ring worth twenty-six shillings and eight pence was given by each serjeant to every prince, duke, and archbishop *present at the solemnity*, and to the chancellor and treasurer of England.

One of twenty shillings to every earl and bishop *present;* and also to the keeper of the Privy Seal, to each chief justice, and to the chief baron of the king's Exchequer.

One of the value of one mark to every baron of parliament, abbot, and distinguished ecclesiastic[1], and great knight then *present;* and also to the keeper of the Rolls of the king's Chancery, and to each of the judges.

And in like manner a ring of less price, according to their respective stations, to the barons of the Exchequer, the chamberlains, and the officers and principal men officiating in the king's courts; "so that," the learned author concludes, "there will not be a clerk, especially in the Court of Common Bench, even the lowest, who shall not receive a ring convenient to his degree."

Besides these, rings were also given by the serjeants to their friends. Whether any posies or mottoes were at that time inscribed on the rings does not appear from his account.

At these solemnities the serjeants also distributed liveries of cloth of one pattern, in great abundance, not only to the members of their family, but to their friends and acquaintance who attended and waited upon them on the occasion. Under the act of parliament forbidding a subject to give liveries to

[1] The words are, "omni notabili prelato;" which does not mean bishops, for they are previously enumerated, but probably deans and archdeacons.

any other than to his menial servants, this would have been a breach of the law; but that a special exception to meet the case is introduced into the statute 8 Henry VI. c. iv., providing that the prohibition shall not extend to "serjeants of the law at the time that they take the said estate upon them."[1]

The serjeants on their creation were decorated with a coif of white silk, "birreto albo de serico," which was their chief ensign of habit, and was never to be taken off although in the royal presence, or even while speaking to the king. And all the judges, in proof that they belonged to the same order, invariably wore this coif while sitting in court.

The dress of a serjeant is described by Fortescue as "a long robe, not unlike a sacerdotal habit, with a furred cape about his shoulders and an hood over it, with two labels or tippets, such as the doctors of law used in some universities, with a coif as is above described." He also wore a party-coloured habit, and the fur upon his cape was that of white lamb.

Their attendance in court was limited to the three hours in the morning during which it sat. In the afternoon, our author says, "the suitors of the court betake themselves to the Pervise, and other places, to advise with the serjeants-at-law and their other counsel." We have Fortescue's authority also for saying that in no other country does an advocate enrich himself so much by his practice as a serjeant-at-law.

That the serjeants were excused from taking upon themselves the order of knighthood appears from the case cited by Dugdale[2], in which Thomas Rolfe, having been summoned in 9 Henry VI. to do so, pleaded his privilege that

[1] Dugdale, Orig. 110., in quoting this statute, erroneously makes the exemption general, and not confined to the particular time of their creation.

[2] Dugdale's Orig. 187.

he was a serjeant-at-law, and bound to attend the Court of Common Pleas and not elsewhere; and thus saved his fine, which was probably the only object of his nomination. They were not, however, exempt from other responsibilities. On the formation of the council in 2 Henry VI. one of the directions was, that in any bills between party and party coming before them, the poorest suitor's bill should be taken first, and the king's serjeant should be sworn truly and plainly to give him assistance and true counsel in his business without receiving any fee.[1] In the Year Book of 14 Henry VI., fo. 18., Judge Paston, in analogy to a case before the court, said to the advocate, "If you, being a serjeant-at-law, undertake to plead my plea, and do not, or do it in another manner than I told you, whereby I have loss, I shall have my action upon my case." A similar doctrine was argued at the bar in Doige's case, 20 Henry VI. fo. 34., and the proposition is cited as law in Chief Justice Rolle's Abridgment, i. 91.[2]

SERJEANTS-AT-LAW.

Those marked * became judges.

I. 1422.	* John Cotesmore,	Thomas Rolfe[3],
	* William Paston,	* James Strangeways,
	William Pole,	* William Westbury.
	These were serjeants in the previous reign.	
III. 1424.	John Ellarker,	* Thomas Fulthorpe,
	* William Goderede,	William Chantrell,
	William Hall,	Robert Caundish,
	* Richard Newton,	John Weston.
VIII. 1429.	* John Fortescue.	
XVIII. 1440.	* William Yelverton,	* John Markham.
XXI. 1443.	* Nicholas de Ayshtone,	* John Prisot,
	* Richard Bingham,	* Walter Moyle,
	* Ralph Pole,	* Peter Arderne,

[1] Rot. Parl. iv. 201. [2] Manning's Serviens ad legem, 183.

[3] Serjeant Rolfe is represented in his robes on his monumental brass in Gosfield church, Essex. He died 17 Henry VI.

	* Robert Danby,	* Robert Danvers.
XXXI. 1453.	William Hyndestone,	* Thomas Lyttelton,
	* William Laken,	* Richard Choke,
	William Wangford,	* John Needham,
	William Boeff,	* Thomas Billing.

King's Serjeants.

I. 1422.	James Strangeways is the only one of the king's serjeants of the last reign whose name occurs in this.	
IX. 1430.	William Goderede,	Richard Newton.
XVIII. 1440.	John Portington.	
XIX. 1441.	John Fortescue.	
XXII. 1443.	Robert Danvers,	John Markham.
XXXII. 1454.	Walter Moyle,	John Needham.
XXXIII. 1453.	Thomas Lyttelton.	
XXXVI. 1456.	Thomas Billing.	

Every one of these was raised to the bench.

There is nothing in Fortescue's work that conveys an intimation that either the judges or the serjeants had an inn of their own, or that they occupied one in conjunction; and considering the particularity with which he speaks of the Inns of Court and Chancery, this is a curious omission if any such did exist. It seems indeed very doubtful whether a separate or united society had as yet been established on a firm footing, though some attempt had probably been made to effect that object.

The Bishop of Ely's house in Chancery Lane, now called Serjeants' Inn, was inhabited in the reign of Richard II. by John Scarle, and in that of Henry IV. by Robert Faryndon, both clerks or masters in Chancery. In the beginning of Henry V. a serjeant named Askham lived there, as the repair of his chamber is made a charge in the account of the bishop's steward; but as there was a serjeant of the name of Robert Askham who was a retained counsel of the bishop, there is every probability that he was accommodated with this chamber in that capacity.

The first symptom of its being occupied by the judges as

a body occurs in 4 Henry V., 1415–16; when there was a demise of the premises to Roger Horton and William Cheney, justices, and Walter (not Robert) Askham, apprentice-at-law. Horton and Cheney had been made judges in that same year; and perhaps the foundation of the present society may be attributed to their suggestion and exertions. The serjeants, however, do not appear to have been then included.

This lease could have been for a short term only; for by the steward's account of 3 Henry VI., 1424–5, we find that the house was untenanted for the purpose of repair during the whole of the preceding year. It is stated to be then again let to "J. Martyn, et Jacobo Strangwiz, et T. Rolf, Justiciariis," at 5*l.* per annum, the former rent having been 6*l.* 13*s.* 4*d.* Of the three lessees, John Martyn was a judge of the Common Pleas; James Strangeways was then one of the king's serjeants, and was not raised to the bench till the following year; and Thomas Rolf was a serjeant-at-law only, and never became a judge of the superior courts at all: consequently the two latter were then no otherwise entitled to the designation of "Justiciariis" than as justices of assize; in which character they no doubt, as serjeants, were often employed. This possibly may have been the first occasion of the introduction of the serjeants into the society of the judges.

The extent of the term of this second lease is not mentioned. We only know that a new demise of the same premises at the same rent was made in 19 Henry VI., 1440–1, to "John Hody et aliis *servientibus.*" John Hody was then chief justice of the King's Bench; so that here is a clear union between the judges and the serjeants.

It will be observed, however, that there is manifestly a year at the beginning of the reign between the first and second lease, and possibly a longer interval between 1425 and 1441, the dates of the second and third leases, in which the

house in Chancery Lane was not occupied by the body; and the question arises whether the society, if then established, resorted to any other place.

Dugdale says that the serjeants-at-law had their residence about the beginning of this reign in the premises in Fleet Street, now also called Serjeants' Inn. The only proof he brings of this is, that in a lease granted on October 1, 1442, 21 Henry VI., the house is stated to have been *lately* inhabited by John Ellerkar and other serjeants-at-law. This lease was for eighty years at an annual rent of ten marks, and was granted by the Dean and Chapter of York, to whom the property belonged, to William Auntrous, citizen and taylor of London; the premises being described as "unum messuagium, cum gardino, in parochia S. Dunstani in Fleet Street &c. in quo Joh. Ellerkar et alii Servientes ad Legem *nuper* inhabitarunt." Dugdale suggests that William Auntrous was probably steward of the serjeants; but we find nothing to give weight to that supposition. The word "nuper" seems to exclude the idea of the serjeants being resident there at the date of the lease; and it appears far more probable either that they had merely resorted there for a short period till the lease of the house in Chancery Lane was granted to them in 1441, or that the date of that lease was the period of the union of the judges and serjeants into one body, and of the consequent removal of the latter to join the judges in Chancery Lane. It is by no means likely that, when united, they should require two houses for their accommodation at the same time; and until eighty years afterwards, in the reign of Henry VIII., we have no evidence that the house in Fleet Street was occupied otherwise than as a private dwelling under the lease from the dean and chapter.

Fortescue, among the persons to whom he states it may be left to pry into nice points of law, after mentioning the judges, adds "and advocates, who are called serjeants-at-law,

and in like manner to other learned men, whom the vulgar denominate apprentices." In speaking of the Inns of Court and Chancery, he says (chap. xlix.) "that there is scarce to be found throughout the kingdom an eminent lawyer who is not a gentleman by birth." The term barrister he never uses; nor are we aware that it occurs in any contemporary publication. In the Year Books the counsel under the degree of serjeant are frequently described as apprentices.

The services of counsel were sometimes retained by annuities. In the Year Book of 39 Henry VI. fo. 31., is an action brought by "John Bruin, Esquier, a man learned in the law of the land," against the Abbot of Chester for the arrears of an annuity of forty shillings, granted by the late abbot for his counsel in the affairs of the abbey.

An instance of their refusing to act for suitors appears in the petition of a chaplain named John Hauteym, who complains that he "can get no counsel of men of court to be with him" in his suits against the widow of Judge Paston; and prays the chancellor to assign certain persons, whom he names, to act for him.[1]

In the following list of advocates named in the Year Books, some of whom are serjeants, the initials of the courts to which they were first appointed are added to the names of those who afterwards became judges.

COUNSEL.

Alkan,	Browne, T. Clk.,	Cokayne,
Arderne, Ch. B. E.,	Burget,	Corff,
Ascheton,	Bury,	Comberford,
Ascough, C. P.,	Candish,	Conington,
Balthorp, W.,	Catesby, C. P.,	Copley,
Billing, K. B.,	Charlet,	Cottesmore, C. P.,
Bingham, K. B.,	Chauntrel, R.,	Cotton, J.,
Boefe,	Choke, C. P.,	Crane,
Brian, Ch. C. P.,	Clerke, qu. B. E.,	Danby, C. P.,

[1] Paston Letters, i. 7.

Danvers, C. P.,
Ellerkar,
Fauxes,
Filpot,
Fincham,
Fortescue, Ch. K. B.,
Fulthorp, C. P.,
Ginslade,
Gocleres,
Godred, K. B.,
Grenefield,
Griswold,
Haistone,
Hall,
Haltoft, B. E.,
Haydoke,
Hengiston,
Heuster,
Heydon,
Hillar,
Hody, Ch. K. B.,
Holcote,
Hudd,
Huls, Hull, C. P.,
Hunt, B. E.,
Jenney, K. B.,
Illingworth, Ch. B. E.,
Ingelton,
Joce, Robert,
Kirkeby,
Laicon, K. B.,
Lappell,
Lewston, P. Clk.,
Lyttelton, C. P.,
Markham, K. B.,
Martin, C. P.,
Micheley, } Mitley, }
Moyle, C. P.,
Needham, C. P.,
Newton, C. P.,
Norton,
Nottingham, Ch. B. E.,
Paston, C. P.,
Phonsus,
Pigot,
Pole, K. B.,
Portington, C. P.,
Prisot, Ch. C. P.,
Quanton,
Radford,
Rolfe, T.,
Sidney,
Sondes,
Spilman,
Starkey, Ch. B. E.,
Stokes,
Strangeways, C. P.,
Suliard, K. B.,
Tresham,
Vampage,
Varantin,
Vincent,
Wangford,
Welby, Clk.,
Wessell,
Westbury, K. B.,
Weston,
Wherton,
Wurselade, Clk.,
Yelverton, K. B.,
Young, C. P.

Of the connection between the Inns of Court and Chancery, and of the existence of some of them, we have had nothing to rely on in the previous reigns except the traditions to which we have already adverted. Every word, therefore, of the account of those places of legal study given by Sir John Fortescue in his work "De Laudibus Legum Angliæ" becomes most interesting, as the first authentic proof of their existence in that character, and the earliest description of their object and exercises.

It is in answer to an enquiry by the prince why the laws of England are not taught in our universities, and why degrees are not given to the *common* lawyer similar to those which the students of the civil and canon laws receive, that he enters upon the subject. After giving as a reason (which, however, can hardly be deemed a satisfactory one,) that the

common law cannot be so well studied in the universities because it is learned and practised in three several languages, English, French, and Latin, while Latin only is most in use in them, he proceeds to state that "they are studied in a public manner and place much more commodious and proper for the purpose than in any university." This place he describes as "situated near the king's palace at Westminster, where the courts of law are held;" its position being "between Westminster and the city of London," and "not in the heart of the city itself, where the great confluence and multitude of the inhabitants might disturb them in their studies; but in a private place, separate and distinct by itself, in the suburbs, near to the courts of justice as aforesaid." From this language it might be inferred that there was only one school or place of study; but in the next chapter he proceeds to explain that there were then *four* Inns of Court, and *ten* "and sometime more" lesser inns, which are called the Inns of Chancery.

Our author does not give their names, nor say a word about their antiquity or origin, nor afford any explanation of the meaning of the terms by which the two classes were distinguished; but it may be presumed that they had for a considerable time existed nearly in the form in which he describes them, as he would naturally have alluded to any great changes in their constitution had any such been recently introduced. The high rank which Fortescue attained in the law, and his having been himself a member of Lincoln's Inn, assures us that his description was a faithful one, and enables us with confidence to judge how far the system which prevailed in his time accorded with or was altered by that which was subsequently established.

Of the Inns of Chancery he says, that the students were "for the most part young men;" that they studied there "the nature of original and judicial writs, which are the very

first principles of the law;" and that "after they have made some progress here, and are more advanced in years, they are admitted into the Inns of Court." From this it would be inferred that at that time an introductory study in one of the Inns of Chancery was indispensable before admission to an Inn of Court could be obtained.

Considering that the author was answering a question as to degrees, it is remarkable that he should be entirely silent as to the grades of barrister[1], bencher, and reader, if they then existed; that he should make no mention of moots or readings, or any of the other exercises, if they were then practised; and that he should say nothing as to the government or constitution by which the several societies were generally or respectively regulated.

Presuming the four Inns of Court he speaks of to be those which now flourish, we have no authentic information of the interior arrangements of three of them, the two Temples and Gray's Inn, except that which Fortescue gives; and we have the evidence of the books of those three societies to show that their lists of admissions, of calls to the bar, and of the nomination of benchers, readers, and treasurers, do not commence till the beginning of the following century.

With regard to Lincoln's Inn, however, it is different. The books of that society commence almost with the beginning of this reign. The names of their first governors are recorded in 1424, and continued by new appointments throughout the reign. The omission of any mention of these by Fortescue, who was himself a member of this house, and was one of the first governors, warrants a belief that their

[1] The English edition says that "no one can be advanced to the state and degree of a serjeant-at-law till he hath been first a student and a barrister full sixteen years:" but this is a most unjustifiable interpretation of the author's words, which are, "qui non in prædicto generali Legis studio sexdecem annos ad minus antea complevit."

introduction had been too newly adopted to justify his specially noticing it, particularly as such appointments did not exist in the other Inns of Court. It was probably merely an experiment towards a more effective government; the next advance in which was making the students, on admission, take an oath of obedience to the governors; which was followed by the institution of readers to the society; but as the latter did not take place till forty years afterwards, in 4 Edward IV., no notice of it could be taken by Fortescue.

Seeing, then, the gradual advance of a new system at Lincoln's Inn, and that the example of that society was not followed by the three other Inns of Court till some years afterwards, the conclusion seems inevitable that a material change in the constitution was then attempted by the introduction of a more systematic form for the admission and control of the students, for the regulation of their instruction, and for fixing the period when they were to be permitted to act as advocates.

In both the Inns of Court and the Inns of Chancery it is said that there is "a sort of academy or gymnasium, fit for persons of their station, where they learn singing and all kinds of music, dancing, and such other accomplishments and diversions as are suitable to their quality, and such as are usually practised at court." The translator introduces as a parenthesis to the latter — "(which are called *revels*)"; but this is an interpolation not warranted by the original words, which are merely "ac Jocos singulos nobilibus convenientes." In Term time, we are told, the students attended at the courts at Westminster "in great numbers, as it were to public schools, and are there instructed in all sorts of law learning, and in the practice of the courts." "Out of Term the greater part apply themselves to the study of the law: upon festival days, and after the offices of the church are over, they employ themselves in the study of sacred

and prophane history: Here everything which is good and virtuous is to be learnt: All vice is discouraged and banisht."

Fortescue then remarks that "knights, barons, and the greatest nobility of the kingdom often place their children in those Inns of Court; not so much to make the laws their study, but to form their manners, and to preserve them from the contagion of vice;" and his statement of the number of students, which would seem to reach near two thousand, tends to show that this must have been a common practice.

The only reference he makes to the connection of one inn with another is in the punishment of delinquents by expulsion from either of the societies, — a punishment, he says, which "they dread more than criminals do imprisonment and irons; for he who is expelled out of one society, is never taken in by any other."

Of the Inns of Court our author reports that "in the least frequented there are about two hundred students; and that a student cannot well be maintained under 28*l.* a year; and if he have a servant to wait upon him (as for the most part they have) the expense is proportionably more;" that therefore "the students are sons to persons of quality; those of inferior rank not being able to bear the expense of maintaining and educating their children in this way." The expression in the original Latin, "*nobilium* filii," must not be understood as meaning more than the sons of the gentry; and it answers to the language of Walsingham, "apprenticii nobiliores," mentioned in the reign of Richard II. as living in the Temple.[1]

The military services of the lawyers were sometimes required in emergencies of the state. In preparation for the expected attack by the Duke of Burgundy on Calais and

[1] See antè p. 27.

Guisnes in November, 1437, 16 Henry VI., an order was made by the council "that the men of court in Innes of Courte be warned to be arraied."[1]

Although Fortescue does not name the four Inns of Court, we have sufficient evidence to show that they were the same as those now in existence. We shall therefore proceed to give an account of them respectively.

But with reference to the ten Inns of Chancery he refers to as flourishing when he wrote, Dugdale says that in *his* time there were only eight; and that only two of those eight existed in the time of Fortescue; viz., (1) Clifford's Inn, and (2) Thavie's Inn. Of the establishment of both of these an account has already been given in the reign of Edward III.; but Dugdale seems to have forgotten that he had also placed the commencement of (3) Furnival's Inn in the reign of Henry IV.; of (4) Lyon's Inn and (5) Staple Inn in that of Henry V.; and of (6) Barnard's Inn, as we shall immediately see, in the present reign. If these dates are correct, it would appear therefore that six of Fortescue's ten existed in Dugdale's time, leaving four only to be accounted for. (7) Clement's Inn, of which we shall have to speak in the next reign, and (8) New Inn make up the eight mentioned by Dugdale; the former of which not improbably was included in Fortescue's enumeration; and though the latter did not then exist, the society that ultimately resorted to it was at that time established at St. George's Inn, to be presently noticed. Another inn called (9) Chester or Strand Inn, situate on part of the site of Somerset House, to which we have adverted in the reign of Henry V., was probably comprehended in Fortescue's list; so that it is possible that only one of his ten Inns of Chancery remains to be traced.

[1] Acts Privy Council, v. 74.

I. Lincoln's Inn.

Lincoln's Inn first claims our notice, as its records afford the earliest proof of its antiquity. The history of its site is involved in some obscurity.

It occupies a large space of ground on the west side of Chancery Lane, extending almost from Holborn to Carey Street. The extreme north near Holborn formed part of the site of the old house of the Black Friars before they removed to their new convent in London about the year 1276; and the extreme south, nearest Carey Street, formerly called Lincoln's Inn Little Fields, or Fickett's Fields, and now called the New Square, belonged to, or was claimed by, Mr. Henry Serle as his property until the year 1682, when, under a special agreement between him and the society, it was built upon in its present form. The intervening space belonged to Ralph de Neville, Bishop of Chichester, the chancellor of Henry III. Whether this, as is commonly supposed, was the land comprehended in the grant to that prelate on November 17, 1225, under the description of "a certain place with the gardens and appurtenances in New Street," which had been forfeited by John Herlicum [1], may perhaps be open to a question; since it is apparent from the words of the grant that the bishop at that time possessed other land *opposite* the garden; and the remaining "houses and lands" of John Herlicum in New Street (specially excepting the garden granted to the bishop) were conferred by King Henry in 1235 on the House of Converts, now the Rolls.[2] Neither of the grants state on which side of the street the property was situated; but as the House of Converts was on the east side, it is far from improbable that John Herlicum's ground was on that side also. It is

[1] Rot. Claus. 10 Hen. III., ii. 107.; Pearce's Inns of Court, 130.
[2] Rot. Claus. 19 Hen. III., m. 13.

possible, however, that the narrow strip on the north side of Carey Street, extending from Chancery Lane to the *Mews*, called Star Yard, which is the only part of the Rolls estate on the west side of Chancery Lane, may have been part of the grant of Herlicum's property to the House of Converts; but it does not seem of sufficient extent to come under the description of "domos et terras."

By Plan No. 1. published in the Sixth Report of the Commissioners for the Improvement of the Metropolis (1847), it appears that the Bishops of Chichester have still property on both sides of Chancery Lane, and that by far the greatest portion of it stands at present on the east side. Nevertheless, there is no doubt that the "noble palace" erected by Ralph de Neville was on the west side of New Street or Chancery Lane, whether the ground on which it was built was part of John Herlicum's forfeiture or the bishop's original property. There that prelate died in 1244; and there his successor, Richard de la Wiche, who died in 1253, is known to have resided while in London. The next recorded inhabitant is Henry de Lacy, Earl of Lincoln; but we have no means of ascertaining the commencement of his occupancy. He did not attain his majority till 1268, 52 Henry III., about which time he, being then married, perhaps took up his residence there. It was probably on account of the contiguity of the premises, that soon after the removal of the Black Friars to the city of London he obtained a grant from King Edward I., in 1287, of their house in Holborn. There, according to Stow, "he built his inn, and for the most part lodged there;" but it is somewhat uncertain, from the language used by the annalist, whether the house he erected was in the place of or in addition to the palace of the bishop.[1] That he resided there in 1296

[1] Stow's Survey, Thoms' ed., 164.; Tanner's Notitia, 313.

appears from an account, existing in the office of the Duchy of Lancaster, of the profits arising from and the expenditure upon the garden, which must have been of very considerable extent. It was then enclosed by a paling and fosse, with a pond or vivary in which pikes were preserved; and was managed by a head gardener who had an annual fee of fifty-two shillings and two pence, with a robe or livery; and numerous assistants whose collective wages amounted to 5*l.* per annum.[1]

Dugdale says[2], that "the tradition is still current among the antients here" that the earl first brought the professors of the laws to settle in this place: but, he adds, "direct proof thereof, from good authority, I have not as yet seen any;" and we learn from the same writer that the earl died in this mansion in 1312, 5 Edward II.[3]; a fact which seems to offer a sufficient contradiction to the tradition.

There may, however, have been two mansions; one built by Ralph de Neville, and the other by the Earl of Lincoln. By the junction of the two properties in the time of the latter, and by his long continued occupancy, extending into three reigns, his name became naturally attached to the estate; and though there is no trace of its being possessed by any other Earl of Lincoln, it has retained that appellation ever since.

We have evidence that the Bishops of Chichester resumed their occupation of the mansion after the earl's decease; for we find that Robert de Stratford, Bishop of Chichester, on being made chancellor on July 12, 1340, 14 Edward III., took the Great Seal with him to his house in Chaunceler-lane, "ad hospitium in vico, qui vocatur Chaunceler-lane."[4]

If this were the same house as that which the earl inhabited, it is a fact strongly opposed to the presumption that students of the law were then established there.

[1] Archæol. Journ. v. 305.
[2] Orig. Jurid. 231.
[3] Baronage, i. 105.
[4] N. Fœdera, ii. 1129.

The story told by Sir George Buck, that the property belonged to William de Haverhyll, treasurer to Henry III., and that upon his being attainted of treason it was presented by the king to Ralph de Neville, Bishop of Chichester, is entirely confuted by the fact that he was still treasurer at the time of the bishop's death in 28 Henry III., 1244; and that at his own death in 1252 he was still enjoying the king's favour.[1]

From the reign of Edward III. till that of Henry VI. we find no mention whatever of Lincoln's Inn. In the latter, however, we have its BLACK BOOK, which is the earliest existing record of the proceedings of that or of any other Inn of Court. It commences in 1423, the second year of the reign, and has no appearance of being the continuation of any former volume. In it are contained the orders of the society, and the admittances into it from that date. The list of governors begins, as we have said, in the following year; but the oath which they were to take on their election was not settled till 1440, 18 Henry VI.

The names of the governors then sworn were—

"Noĩa Gubernatoř p̃dictoř.

Robt̃us Danvers
Johes̃ Stafford
Ric̃us Wood
Will̃us Boeff } Juř."

Of these the first soon afterwards became a judge of the Common Pleas, and the last a serjeant-at-law.

In the latter year an oath was also established to be taken by the students on their admission into the society, by which they swore obedience to the governors.

By an order of 9 Henry VI., 1430–1, the number of revels

[1] Spilbury's Linc. Inn, 31.

during that year was fixed to be four; one at Allhallows (November 1); another at the feast of St. Erkenwald (November 14); the third at the feast of the Purification of our Lady (February 2); and the fourth on Midsummer Day (June 24).

All these facts and dates seem to establish one of two things: either that the society received its first formation at this period; or that if it previously existed, as no doubt it did, a new system of government was now introduced into it. Its progress we shall notice in future reigns.

II.—III. Inner and Middle Temple.

The memory of the Knights Templars is preserved in the name which is still given to the place where they resided before their order was suppressed. It was called "The New Temple" to distinguish it from their old residence in Holborn; the site of which was afterwards occupied by Southampton House, and is now known by the name of Southampton Buildings. The removal took place in the early part of Henry II.'s reign, when the street between the one and the other was first formed; being originally called New Street, afterwards Chancellor's Lane, and since, Chancery Lane.

This property was situated at the bottom of this New Street, extending from the south side of Fleet Street to the River Thames, and comprehending the whole of what is now called the Inner and the Middle Temple; that is to say, all the space between the White Friars and Essex House. Dugdale says that it included also part of the site of Essex House; but this we shall presently see that there is great reason to doubt. The new church was consecrated in 1185, 31 Henry II.

The order of the Knights Templars was suppressed in

1309, soon after the commencement of the reign of Edward II. Their lands and tenements in London were then placed in the hands of James le Botiller and William de Basing; but in December, 1311, were transferred into the custody of the sheriffs of London, who were commanded to account for the rents into the Exchequer.[1] In the following year the king granted the property to Adomar de Valence, Earl of Pembroke[2], who is mentioned as holding it in November, 1313, 7 Edward II.[3] The king's uncle, Thomas, Earl of Lancaster, however, claiming a right to it by escheat as immediate lord of the fee, was confirmed in the possession by a patent of 8 Edward II., in which it is described "as parcel of his county of Leicester,"[4] of which he was also earl. On the execution of that nobleman, March 22, 1322, it came again into the hands of the king; who on the very next day re-granted it to the Earl of Pembroke, and the heirs of his body for ever, with a proviso that if he had none the property should revert to the king.[5] The earl was murdered on June 27, 1323, leaving no issue; and Dugdale states that after his decease *the king* granted it to Hugh le Despencer the younger, for life; that upon his attainder it devolved once more to the crown; and that Edward III. afterwards granted it to the Knights Hospitallers of St. John of Jerusalem, on whom the great Council of Vienna in 1324 had bestowed all the lands of the Templars.

That Hugh le Despencer died in possession of the estate there is ample evidence; but Dugdale gives us no authority to support the statement that he received the grant of it from the king. There is, indeed, some confusion in regard to this. It would rather seem that the decree of the Council of Vienna in 1324 comprehended the New Temple itself in

[1] N. Fœdera, ii. 153.
[2] N. Fœdera, ii. 237.
[3] N. Fœdera, ii. 480.
[4] Addison's Temple Church, 3.
[4] Cal. Rot. Pat. 78.

the transfer to the Knights Hospitallers; or that at all events they considered that it had that effect; for among our public Records is a deed executed in full chapter of the Hospitallers, dated on Thursday, the vigil of St. Peter and St. Paul (June 28), 1324, 17 Edward II., by which *that body* grants the new temple to Hugh le Despencer, the son, his heirs and assigns for ever; carefully, however, limiting the warranty to the time "dum terras et tenementa que fuerunt dictorum Templariorum in Anglia in manibus nostris habuerimus." This indicates that the Temple was in possession of the Hospitallers two years and a half before the accession of Edward III.

The description of the property in this deed is important as precisely giving the boundaries about the time it came into the hands of the Hospitallers. These are the words: "Totum messuagium nostrum vocatum Novum Templum London jacens inter hospicium venerabilis patris Exon Epi versus occidentem et hospicium Dni Hugonis de Courteneye militis versus orientem et inter viam regiam ducentem de Westmonasterio versus Scm Paulum in uno latere et aquam Thamesie ex altero latere." To this is added a reservation to the grantors and their successors of free ingress and egress by a certain way from the high road to the great chapel situated within the said messuage; viz., by the same way through which the people of the neighbourhood are accustomed to enter, for all chaplains "quos invenire tenemus" to celebrate services therein for the souls of those who had given lands to the Templars for the support of chantries in the said chapel. They also granted to Despencer 6*l.* 13*s.* 4*d.* of annual rents due from certain persons named, arising out of houses in the parishes of St. Dunstan and St. Bride's, and also in Friday Street.[1]

[1] Bag of Miscellanea for London and Middlesex, in the Chapter House, Westminster, No. 40., kindly communicated by Joseph Burtt, Esq.

The most probable interpretation of this transaction is, that on the death of the Earl of Pembroke, Edward II. granted the property to Hugh le Despencer, who, after the decree of the Council of Vienna in the following year, obtained a confirmatory grant from the Knights Hospitallers, which was perhaps made by them on behalf of the favourite for the purpose of conciliation, and to prevent collision with the king.

Hugh le Despencer junior was attainted in November, 1326, 20 Edward II.; and thereupon the Temple, whether granted to him by the king, or the Knights Hospitallers, or by both, was forfeited to the crown. That it remained in the hands of Edward III. in the third year of his reign is apparent from a mandate, dated November 2, 1329, addressed to the mayor of London, his escheator in that city, commanding him to cause the gates of the New Temple, which he kept closed, to be opened during the day, "so that our justices and clerks and others who wish to go by water may do so as they had hitherto been accustomed." This mandate alleges that there "always was in times past a common transit through the middle of the court of the New Temple to the Thames, for our justices and clerks and others pursuing their business at Westminster, and desirous of going by water."[1] We have thus a proof that while the Temple was private property there was a right of way through it; that the justices and clerks were generally resident in the city of London; and that they were accustomed to go to Westminster by water, and to embark at the Temple.

The clerks here mentioned are described in a new mandate of the following year to be the clerks of the Chancery; making it probable that they were domiciled in the city or its suburbs; whether in a separate "hospitium" together, or that their private residences were there located, does not

[1] N. Fœdera, ii. 774.

appear. To this new mandate is added a command to repair the bridge there[1], which no doubt was one over a creek from the river necessary to be passed to arrive at the place of embarkation.

The king remained in possession of the Temple for several years after this; but there is evidence sufficient to prove that the church formed no part of the grant to Hugh le Despencer junior, but was retained in the hands of the Knights Hospitallers.

Among the Inquisitions of 10 Edward III. is one[2] taken under a precept of the king, addressed, as that in the fourth year, to the mayor of London, the king's escheator in that city. The precept is founded on a petition of the Prior of St. John of Jerusalem, representing that Hugh le Despencer junior had unjustly occupied the cemetery of the church of the prior in the New Temple, London, and a "claustrum," and other places there, sanctified and dedicated to God, annexed to the said church; and that the same by the forfeiture of the said Hugh had fallen into the king's hands, and so in his hands *then* were, and were still withheld from the prior as separated from the said church. Whereupon the king, considering that those things which were once dedicated to God could not be transferred to profane purposes without an encroachment on ecclesiastical liberty, commanded Reginald de Conductu, the mayor, with the sheriffs and four honest men of the city, to make inquisition thereof in the presence of "*our keeper*" of the said Temple; and if they found the said cemetery, &c. to have been annexed to the said church, and that the said Hugh had unjustly occupied them, and that they were in the king's hands solely by reason of Hugh's forfeiture, the mayor was to cause them to be reunited to the church and delivered to the prior.

[1] N. Fœdera, ii. 805.

[2] Inquisit. 10 Edw. III., No. 66. (Second numbers.)

The mayor accordingly, assisted by the sheriffs, three aldermen, and the chamberlain of the city, and in the presence of William de Langeford, *the king's keeper* of the said Temple (*Custodis Domini Regis Templi predicti*), proceeded to enquire into the premises by the oath of twelve men; and they found that the chapel of St. Thomas, up to the gate of the hall of the Temple, with a place of land there as an earthen wall or boundary (*sicut murus terreus*), extended to the old gate of the Temple towards the king's highway; and in like manner a "claustrum" as a stone wall, which began at the chamber called the Bishop of Ely's chamber, extending towards the east, and afterwards towards the north to the king's highway, were places sanctified and dedicated to God and annexed to the said church. And they further found that one Roger Blom, formerly a "nuncius" of the said Temple, with the consent of the master and brothers of the Temple, built certain houses on a place of land so dedicated to God in the front near the king's highway towards the north, for letting those houses for the support of the "luminaria" and other ornaments of the said church. And they reported that Hugh le Despencer unjustly occupied the said places, and that they were in the king's hands solely on account of his forfeiture.

The property here designated is probably the whole of that extending from the church and the present master's house backward up to Fleet Street, which includes the churchyard.

Nothing can be more clear, therefore, than that at this time the prior had not possession of the mansion and estate of the Temple; his only claim is to that part which had been dedicated to the Church, which as clearly belonged to him; and it is founded, not on Hugh le Despencer's being wrongfully possessed of the estate, but on his having no right to occupy that part of it which had been previously devoted to the Church, and which, being in his occupation at the time of

his forfeiture, had thus fallen into the king's hands. The writ touches not any thing but this sacred part; the rest evidently belonged then to the king, and his right is undisputed. He had his own custos there, and he directed his writ to his own escheator.

To this William de Langford the custody of the Temple had been committed in 1333 for a term of ten years, at a rent of 24*l.* per annum, including, of course, the cemetery and other sanctified places which, in consequence of the return to the above Inquisition, were delivered up to the prior and brethren of the hospital of St. John of Jerusalem in 1336. He therefore became entitled to an abatement in his rent in relation to the portion of which he was so deprived. This reduction was fixed at the sum of 12*l.* 4*s.* 2*d.* by an inquiry made in pursuance of the king's writ before John de Shoreditch, a baron of the Exchequer. By this it appears that the fruit in the garden sold for sixty shillings per annum; and that the total revenue of the Temple then amounted to 73*l.* 6*s.* 11*d.*, equal to about 1000*l.* of our money.[1]

That the king continued in possession two years after this is evident from a survey which was taken of the Hospitallers' lands in England in 12 Edward III., and which is still extant.[2] In it, although it includes thirteen preceptories formerly commanderies of the Templars, and various other lands which had belonged to that order, no notice is taken of the valuation of the New Temple itself. No receipts whatever from that establishment are entered; but there are several *reprises* which apply to the repair and the religious services of the Temple church: thus,—

"In emendationem et sustentationem ecclesie Novi Templi, London, et in vino, cera, et oleo, et ornamentis ejusdem . . . X m̃.

[1] Addison's Temple Church, 8.

[2] L. B. L. in "Notes and Queries," ii. 123.

"In uno fratri Capellano et octo Capellanis secularibus de servientibus ecclesiam quondam Templariorum apud London, vocatum Novum Templum, prout ordinatum est per totum consilium totius regni pro animabus fundatorum dicti Novi Templi et alia [*sic*] possessionum alibi - LV. m̃.

"Videlicet, fratri Capellano pro se et ecclesia XV. m̃., et cuilibet Capellano, V. m̃., ubi solebant esse, tempore Templariorum, unus Prior ecclesie, et XII. Capellani seculares."

These entries prove that the position of the Knights Hospitallers with regard to the mansion and estate of the New Temple was not yet changed. By the first of the previous documents we have seen that they were bound to provide chaplains to perform services for the souls of the benefactors of the Temple; and by the second, their right to the church and to the land attached to it, independently of the grant to Hugh le Despencer junior, is clearly established; while by this survey they charge themselves with the expenses connected with the sacred edifice. If the mansion and estate had then belonged to them, it would undoubtedly have been entered either as a property in their own occupation, or as one producing rents to them from its tenants.

In the course, however, of this same year (12 Edward III.) the king by his letters patent dated July 18, 1338, in consideration of 100*l.* which the prior undertook to pay towards the expenses of his expedition to France, granted to that dignitary and his successors the whole of the residue of the manor of the New Temple in free, pure, and perpetual alms for ever: such residue being all the property besides the sacred parts already reunited to the church; and except 30*s.* rent from the Bishop of Chichester which had been assigned to William de Langford, and 60*s.* and 10*d.* for the wages of the keeper of the Temple Gate. The power of appointing the gate keeper thus reserved was afterwards exercised by the king in the thirty-fifth year of his reign.[1]

[1] Addison's Temple Church, 9.; Dugdale's Monast. vi. 810.

In 28 Edward III. the prior was directed to repair the bridge of the New Temple which is stated to be very ruined and broken. It is described as a bridge by which "tam magnates quam alii fideles" coming from the city and its suburbs to the parliaments and councils at Westminster by water commonly pass.[1]

Up to this time, therefore, there is nothing to indicate that the lawyers were settled in the New Temple; but, on the contrary, it seems more probable that the Knights of St. John were themselves in the occupation of the mansion and the surrounding premises on March 10, 1354, the date of the last mandate.

There is, indeed, in the entry of the delivery of the Great Seal to Robert de Stratford on March 4, 1337, 11 Edward III., a passage showing that he opened it at the New Temple[2]; and by the Register, fo. 70, it appears that in the next year the Chancery was held there. But this affords no presumption that lawyers were then located in the Temple; for if it did we should have equal reason to believe that they were established at the White Friars, in the chapter house of which monastery the Chancery was held in the two succeeding years. Each of these places was merely used for temporary sittings when the court did not sit at Westminster; in the same way that these sittings were held in the Chancellor's house in times not long past, and in Lincoln's Inn Hall at the present day.

We are quite in the dark as to the precise time when the lawyers were first established in the Temple; and equally so as to the period when the division into two houses, called the Inner Temple and the Middle Temple, took place; but that this occurred some years after the introduction of the legal body is too undisputed a fact to be here discussed: and no

[1] N. Fœdera, iii. 273.

[2] Ibid. ii. 964.

attempt has ever been made to show that the lawyers were residents within the Temple until after it came into the possession of the Knights of St. John of Jerusalem. Yet in a work bearing the appearance of authority, inasmuch as it is stated to be "extracted and translated from the Original Rolls," we find an entry on the Issue Roll of Easter, 41 Henry III., 1257, which would seem to prove that this division had been made in the time of the Templars themselves, and more than fifty years before their suppression. The passage is as follows:—

"To the brethren of the *Middle* Temple, 4*l.* in part of 8*l.* appointed alms for the support of three chaplains to celebrate divine service at Easter Term in the forty-first year, by writ patent."[1]

When, however, the words thus rendered "To the brethren of the *Middle* Temple" turn out to be "fratribus *Milicie* Templi," we have only to regret that such an erroneous translation, so calculated to mislead enquirers, should diminish the value of a work in many respects useful and interesting.

This division of the Temple into Inner and Middle seems naturally to suggest that there was in times past an Outer Temple also; and it is believed that by this name the property which extended beyond Temple Bar over that space now occupied by Devereux Court and Essex Street has been on some occasions described. It does not follow, however, that it ever formed part of the possessions of the Knights Templars; and in the absence of any evidence that it did so, it may as reasonably be inferred that it popularly received the name from its being situated on the *outside* of the Temple walls, as that it was included in the property.

It is true that Dugdale, as we have seen, asserts that this portion was comprehended in the Temple; and he supposes

[1] Issues of the Exchequer, by Frederick Devon, 34.

that the prior and canons of the Holy Sepulchre transferred it in the reign of Edward III. to the Bishops of Exeter, who occupied it till that of Edward VI., during which period it was called Exeter House. But the description in the deed of 21 Edward II., 1324, distinctly proves that this could not have been the case. The grant in that deed is of "*Totum* messuagium vocatum Novum Templum;" and its boundary on the west is stated to be the "Hospicium Exon. episcopi;" showing, therefore, that the very spot was at that early time on the outside of the New Temple.

Another author, the same Sir George Buck whose doubtful story about Lincoln's Inn we have already noticed, gives a more minute account. He states that "the other third part, called the Outward Temple, Doctor Stapleton, Bishop of Exeter, had gotten in the reign of the former king, Edward the Second, and converted it to a house for him and his successors, Bishops of Exeter."[1] But no more reliance can be placed upon this than on the former declaration. Walter Stapleton became Bishop of Exeter in November, 1307; soon after which time the order of the Templars was suppressed. If any grant had been made to him, it would have been excepted in the patents to the first keepers and their successors the sheriffs of London, and in the grants to the Earls of Lancaster and Pembroke. All these patents, on the contrary, expressly include *all* the lands, &c. which belonged to the Templars in London and the suburbs thereof: and the grant to Hugh le Despencer, made in 1324 by the Knights Hospitallers themselves, distinctly designated the mansion of the Bishop of Exeter as the western boundary of their house.

No such grant to Walter Stapleton has ever been discovered, nor any thing on which a presumption can be

[1] Mr. Peter Cunningham in "Notes and Queries," iii. 375.

founded that it ever was made to him or to any other Bishop of Exeter out of the Templars' possessions. If this spot really formed part of them at any period of their power, it would share in the privilege of exemption from parochial jurisdiction which the present possessors of their undoubted property now enjoy without dispute. But on the contrary, every house on it is at this moment chargeable with parochial rates; and further, it is included within the district of the Savoy under the jurisdiction of the Duchy of Lancaster; added to which, the oldest maps of London seem distinctly to place the boundary wall of the Temple on the very line which excludes this spot. Every presumption is therefore against its having at any time belonged to the Templars; and at all events it has never been suggested that any school of law was established in it or was called by the name.

Sir William, afterwards Lord, Paget had a grant of the bishop's house in the reign of Edward VI., to whom he was secretary[1]; and under Elizabeth it was successively occupied by Thomas Howard, Duke of Norfolk; Robert Dudley, Earl of Leicester; and lastly by Robert Devereux, Earl of Essex; receiving their names in turn. The surname and title of the latter are still preserved in the court and street which were built on its site when it was destroyed some time after the restoration.[2]

That the division into the two societies of the Inner Temple and the Middle Temple took place before the reign of Henry VI. may be presumed from Fortescue's describing four Inns of Court, which could not be reckoned without them. Beyond this, however, we have the inferential proof afforded by the fact that John Paston, the son of the judge,

[1] Dugdale's Orig. 144.

[2] Leigh Hunt's Town, i. 179. He quotes Dugdale; Londinium Redivivum ii. 282.; Brydges' Collins' Peerage.

is spoken of in the Paston Correspondence as of the Inner Temple, or the Inner Inn of the Temple. This is sufficient to show that there was another Inn of the Temple, which we shall find in the next reign was called the Middle Inn. There is another letter also desiring him "to resort again unto *your college*, the Inner Temple."[1]

Serjeant Chauncy[2] dates the division between the two Temples in this reign; arising, as he says it was reported, from a great dissension and quarrel happening among the lawyers there, touching the Houses of York and Lancaster. He states that the society of the Inner Temple then built a new hall, and were so called "in respect it was seated between the Old Temple and London;" and that the other party "kept possession of the hall of their old society, situated between Pump Court and Elm Court, after the form of the Round Walk in the Temple Church, and pulled down in the year 1639." The building of Middle Temple Hall in the reign of Queen Elizabeth seems to contradict this story, for which indeed the worthy serjeant gives no authority; and probably its foundation may be traced to the fertile invention of Shakspeare, whose interesting scene of the plucking of the roses is admitted to be a purely dramatic creation.

The only other facts with reference to the Temple which are mentioned during this reign are, that in the church there is a tablet to the memory of "Willielmus Langham, quondam Custos hujus Templi," who died in 1437; and that there are two others recording the deaths of "Thomas Maghull, Capellanus istius ecclesiæ beatæ Mariæ;" and of "Thomas English, Capellanus istius ecclesiæ;" both of whom died in 1442.

[1] Paston Letters, i. 3. 4. 38.

[2] Chauncy's Herts, 526.

IV. GRAY'S INN.

Gray's Inn is situated on the north side of Holborn, nearly opposite Chancery Lane, and its extensive site is within, but not of, the parish of St. Andrew's, being extra-parochial. It was originally described as the manor of Portepole, and belonged to Reginald de Grey at the time of his death in 1 Edward II., 1308.[1] In the eighth year of the same reign it may be inferred that it was the *residence* of John, the son of Reginald, from the fact that he granted thirty acres of land, two acres of meadow, and ten shillings rent, in Kentish Town, to the prior and convent of St. Bartholomew in Smithfield, to find a chaplain to pray for the souls of John and his ancestors in the chapel of the manor of the said John in Pourtpole. This duty it would seem was afterwards compounded for by the prior for a money payment of 7*l.* 13*s.* 4*d.*; for on the dissolution of the monasteries by a decree of the Court of Augmentations on November 10, 1541, 33 Henry VIII., confirmed on February 12, 1562, 4 Elizabeth, the treasurer of that court was directed to pay to the treasurer of the house of Gray's Inn 6*l.* 13*s.* 4*d.* yearly in recompense for the above sum, which is therein stated to have been payable time out of mind for a chaplain to celebrate divine service,—not for the souls of John and his ancestors, as in the original grant,—but "for the students, gentlemen, and fellows of the house;" an alteration easily accounted for by the change in the national religion and in the holders of the property.

This John de Grey died in 17 Edward II., 1323; and in the inquisition on his death the property is described "Purtpoll extra Barram London, unum messuagium, 12 shop. 3 acr. terr. et molend. ventrit.;" to which perhaps the next

[1] Cal. Inquis. p. m., i. 227.

item may be added: — "Holebourn claus. continens 8 acr. terr."[1]

The two next possessors were Henry, the son of John, and Reginald, the son of Henry. On the death of Reginald on May 28, 1370, the inquisition describes him as possessed of a certain *hospitium* in Portpole, &c. of the value of 100*s.* per annum, at which it was then let, "et sic dimittitur ad firmam."[2]

Richard de Grey, the grandson of Reginald, died in 20 Henry VI., 1441, when this property is described as the manor of Portpoole, "vocat. Grey's Inn."[3]

These documents are carefully copied into the manuscript account of the house, to which attention has been before drawn, which is preserved in the Harleian Collection in the British Museum, No. 1912.; and a transcript of which is in the library of Gray's Inn. It was drawn up by Simon Segar, the chief butler of the inn in 1676, who acted as deputy steward and collector of the rents. With a very natural desire to establish the antiquity of his house, he dwells on the fact that the place, which had been called simply messuagium in 1 Edward II., was called hospitium in 44 Edward III.; and argues therefrom, and because it is then described as being under lease, that it is thus shown to have been then let "to such as were united into a society professing the laws." The word hospitium, however, was commonly used at that time for any great mansion or residence; and though it is apparent that the proprietor did not then inhabit it, the worthy butler comes to a somewhat inconsequential conclusion when he determines that the tenants must have been a society professing the laws.

The next documents mentioned in this manuscript, and

[1] Cal. Inquis. p. m., i. 312.
[2] Ibid. ii. 304.
[3] Ibid. iv. 208.

more at large in Dugdale's account of the house, are certain indentures of 21 and 22 Henry VII., 1506–7, by which Edmund, Lord Grey de Wilton, conveys, by the name of the manor of Portpole, otherwise called Gray's Inn, four messuages, four gardens, the site of a windmill, eight acres of land, ten shillings of free rent, and the advowson of the chantry of Pourtpole, to certain persons whom, without naming them, the MS. describes as "certain antients and benchers of Gray's Inn, to the use of them and their heirs (in trust only) for the fellows and students there;" but Dugdale gives their names thus: "unto Hugh Denys, Esq., and Mary his wife; Edmund Dudley, Esq.; Roger Lupton, clerk; Godfrey Toppes, Edward Chamberlayn, William Stafford, John Emley, Thomas Pigot, Richard Broke, William Tey, and Michael Fisher, to the use of the said Hugh and Mary his wife, and the heirs of the said Hugh."[1]

The description here given of the premises seems scarcely applicable to an Inn of Court; and although some of the grantees appear to have been lawyers, the uses to which they received the grant convey the impression that it was a private purchase. But let us look a little further.

In 7 Henry VIII., 1515, the king granted a licence to "Thomas Pigot, serjeant-at-law; Richard Broke, serjeant-at-law; John Heron, Esq.; Roger Lupton, clerk; Godfrey Topys, and Thomas Arture" (four of whom it will be seen were parties to the former deed), authorising them to grant the manor of Portpole as before described unto the prior and convent of Shene, which had been previously enabled by a licence from King Edward IV. to purchase lands in mortmain; and the said prior and convent are stated to have then demised the manor to the students of the law at a rent of 6*l.* 13*s.* 4*d.* per annum; the payment of which is entered in

[1] Dugdale's Orig. 272.

the steward's accounts from the year 1518 till the year 1524 16 Henry VIII. After the dissolution of the monasteries, Dugdale supposes that the manor was granted to the students in fee-farm at the same rent; and he notices the payment of it to the king's use in the thirty-second year, 1540.

The steward's accounts, as stated in the MS., also record the payment from the Exchequer to the society of the other before-mentioned sum of 6*l.* 13*s.* 4*d.* for the chaplain as late as 1569, 12 Elizabeth.

According to the statement thus given, there is no actual evidence of the possession of Portpole or Gray's Inn by students of the law until the indentures of 1506-7; and that is only on the presumption that the grantees were trustees of the society. Their subsequent grant of the manor to the convent of Shene in 1515 involves the question in some doubt; but that is in a measure dispelled by the convent's demise to the students; although neither the date, the terms, nor the parties to that demise are stated.

Presuming, however, that Gray's Inn was one of the four Inns of Court alluded to by Fortescue in 1460, which may without hesitation be admitted, the probability is that the students had rented the premises under the Greys for some years previous to that date; and allowing even that it was the "least frequented" of those four inns, it had still, in his time, 200 students.

Although no reasonable doubt, therefore, can be entertained of its existence as a house of reception for students previous to the composition of Fortescue's work, it may very fairly be questioned whether they held it till about 1506 in the form in which we afterwards find it—of a society bound by established rules, governed by a controlling body, and empowered to confer legal degrees. The evidence afforded by the books of the society all tends strongly to confirm the idea that about the latter date an entirely new system was esta-

blished, or at least that its constitution was subjected to a "radical reform."

The butler's manuscript, which must be presumed to give the most favourable view that could be discovered of the antiquity of the inn, affords no earlier proof of the existence of the society as a body. On the contrary, if we look to the lists which it contains (with one exception) of the various grades of its members, we shall find that they corroborate the supposition that its first formation into such a society occurred about the time suggested.

Of these lists, that of the ANCIENTS gives the earliest date. In 1514 one ancient was called; one in 1515; five in 1516; and nine in 1522.

The first STEWARD named is in 1520.

Then follow the ADMITTANCES; the first of which is in 1521. In the separate list of nobles and bishops admitted none are of an earlier date; but in that of knights the name of Owen Tuther is introduced in 1458; but as it is immediately followed by Sir William Hewett, lord mayor of London, in 1566, one cannot help imagining that it is a fanciful embellishment.

The first TREASURER named is William Walsingham, in 1531.

The first BENCHER is Nicholas Bacon, in 1550.

The calls of BARRISTERS commence in 1575; and the first BUTLER in the list is in 1580.

But as all these entries are nearly two centuries after the period alleged as the institution of the house in the reign of Edward III., the worthy butler, for the purpose apparently of giving some substance to the tradition, introduces into his MS. a list of READERS. It is in truth a curious document, and is entitled "A succession of readers extracted from *several antient registers*, with their coates armoriale in memorie thereof." It then gives the names and arms of fourteen

individuals, all of them judges except one, who is a serjeant-at-law, with dates extending from 1355 to 1485. These, however, are not the dates of their acting as readers; but of their respective elevations to the coif or the bench. Neither are they inserted in chronological succession; for instance the earliest, William Skipwith, marked Serjt. R., in 1355, stands eighth on the list, between two others dated 1414 and 1440; thus seeming to be introduced by the writer as his own fancy or the promptings of others suggested. The very first name, John Markham, not only proves this, but exhibits the gross ignorance of the compiler; for he gives to one person all the elevations which belong to two judges of the same name, half a century occurring between the dates of their respective advances. A whole page is then left blank, probably to receive any new inventions; and then commence the real readers, not only with their dates of advancement in the law, but with the years of their readings; in addition to which we are told, at first when they became ancients of the society, and afterwards when they were admitted, called barristers, and elected benchers; none of which information is given in reference to the first fourteen. The earliest reader in this authentic part of the list is John Petitt, who was made Autumn reader in 1518. Dugdale, however, carries up the list to John Spelman (afterwards a judge), who was Lent reader in 1514, the year in which the MS. list gives the first ancient.

The zealous compiler of this document not having given the remotest idea what were the ancient registers from which he had extracted the fourteen early names, it was difficult to account for their insertion. But on inspecting the lists, and finding that in the course of time persons bearing the names of Skipwith and the others had been admitted members of the house at different dates during the sixteenth century, an easy explanation was at once afforded. The com-

piler, knowing that these persons were descendants of the several judges and serjeants whose names they bore, *presumed* that their ancestors as well as they must also have been members of the house; and accordingly inserted them among the readers as he discovered the connection; thus accounting also for the irregularity in their order.

We now come to this reign, when, independently of the presumptive evidence of the existence of this house as an Inn of Court afforded by Fortescue's work, there is a letter in the Paston Correspondence, dated in 1452 or 1453, which removes all doubt. In it are quoted some remarks of Sir Thomas Billing, afterwards chief justice of the King's Bench, in which he expresses an interest in a man because he was "a fellow of Gray's Inn, where I was a fellow."[1]

Of the Inns of Chancery we only find the following particulars recorded in this reign.

BARNARD'S INN, which is now connected with Gray's Inn, was so called from Lyonel Barnard, who resided in it in the year 1434, 13 Henry VI.; at which time it was the property of John Mackworth, Dean of Lincoln, by whose name it had previously been known.[2] The dean died in 1451[3]; and two years afterwards, by virtue of an inquisition *ad quod damnum*[4], Thomas Atkyns, one of his executors, was allowed to give it to the Dean and Chapter of Lincoln to find a chaplain to celebrate divine service in the chapel of St. George, in their cathedral, where the dean's remains were deposited.

There can be little doubt that the inn was let to students of the law previous to the latter date; as Stow, in his annals of that year, relates that a tumult took place in Fleet Street between the members of the Inns of Court and Chancery and the citizens of London, and that, some mischief being done,

[1] Paston Letters, i. 43.
[2] Pearce's Inns of Court, 382.
[3] Le Neve, 145.
[4] Cal. Inquis. iv. 261.

the principals of Clifford's Inn, Furnival's Inn, and Barnard's Inn were sent prisoners to Hertford Castle.[1]

The inn is situated on the south side of Holborn, between Staple Inn and Thavies' Inn, within the parish of St. Andrew's, but extra-parochial. It is still held under lease from the dean and chapter at the original rent of 6*l.* 13*s.* 4*d.*, renewable on fine.

The principal of CLIFFORD'S INN shared the fate of his brethren of the two other inns as above recorded.

Some probability may arise that this inn was then, as now, connected with the Inner Temple, from the fact that while John Paston the elder son of the judge was, as we have seen, a member of the latter society, his younger brother Edmund was sent to study the law in Clifford's Inn[2]; perhaps as a preparation to be in time admitted a member of the larger house.

The third sufferer for the quarrel between the lawyers and the Londoners in 32 Henry VI. was the principal of FURNIVAL'S INN: and, judging from the date of the incident, it is not unlikely that the contention arose from the conflicting claims of the houses of York and Lancaster.

We may safely consider that ST. GEORGE'S INN was one of Fortescue's ten Inns of Chancery. It was situate near Seacoal Lane, a little south of St. Sepulchre's church, without Newgate. We are not informed when a society of students was first settled there; but we have evidence that either in the next reign or in that of Henry VII. they removed from this inn to the parish of St. Clement Danes, where they established themselves in a hostel then called the Lady Inn, and afterwards New Inn.

The Reports of this reign, besides those in the Year Books, are confined to a few in Benloe and Dalison; and some in the

[1] Paston Letters, i. 7.

[2] Dugdale's Orig. 310.

third century of Jenkins. The Year Book is divided into two parts; the first extending to the end of the twentieth year of the reign, but omitting the whole of the 5th, 6th, 13th, 15th, 16th and 17th years, and some terms in the 1st, 8th, 10th, 12th and 14th years; the second part comprehends the remainder of the reign, except the 22nd, 23rd, 24th, 25th, 26th and 29th years, and Easter Term in the 32nd.

The cases in the short restoration of Henry VI. in 1470–1 are reported in the Year Book of Edward IV. between the 10th and 11th years of that king.

BIOGRAPHICAL NOTICES

OF

THE JUDGES UNDER THE REIGN OF HENRY VI.

ARDERNE, JOHN.

B. E. 1444.

To which particular branch of the ancient and numerous family of Arderne or Arden John Arderne belonged, no means of tracing are left. He was an officer of the Exchequer in the reign of Henry V., and also held the place of clerk and supervisor of the king's works under that monarch, his patent for which was renewed on the accession of Henry VI. He received 23*l.* 6*s.* 8*d.* for making the tomb of Henry V. in Westminster Abbey; and various sums were advanced to him for the repair of the Tower of London and the palace of Westminster, and for building the prison in Wallingford Castle. In 7 Henry VI. he was appointed with William Fitz-Harry to enquire respecting certain jewels, gold, and silver which had been conveyed into the castles of Picardy without the king's licence; and so late as July, 1443, 21 Henry VI., he was a clerk of the works sent to York to superintend the repairs of "all that was drowen down belongyng to the church of York;" being the property of the archbishop which had been destroyed in a popular commotion, and which the Earl of Northumberland had been awarded to restore.[1]

[1] Devon's Issue Roll, 376. 384, 385. 436.; Acts Privy Council, iii. 54. 243. 329., v. 309., and Introd. cxxiii.

In the year after this, on February 5, 1444, 22 Henry VI., John Arderne was constituted a baron of the Exchequer[1]; an office which seems to have been granted to him as an honourable retirement from active life, as we have found no later notice of his name.

His services were requited by the grant of the custody of the priory of Elyngham, in Hants, and the manor of Totyngbek, in Surrey, at small reserved rents; which were afterwards assigned by the king to the support of Eton College.[2]

ARDERNE, PETER.

CH. B. E. 1448.

See under the Reign of Edward IV.

AYSCOGHE, WILLIAM.

JUST. C. P. 1440.

THE Ayscoghes were a very old Lincolnshire family, and the descendants of the judge for more than two centuries resided at Kelsey in that county, several of them filling the office of sheriff.[3] William Ayscoghe's name does not appear among the advocates recorded in the Year Books till 8 Henry VI., Michaelmas, 1429. In about eight years he was called to the degree of the coif; and we find that he was one of the king's serjeants when he was raised to the bench as a justice of the Common Pleas two years afterwards, on April 17, 1440, 18 Henry VI. This rapid advance in his profession, instead of being considered by him as a benefit, he represented in a petition to the king[4] as a grievance; complaining that "or he had ben fully two yere in that office at the barre [of Serjeant] he was called by your heghnes unto the benche and made Justice, by which makyng Justice all his winnings that he sholde have hade in the said

[1] Dugdale's Chron. Series.
[2] Rot. Parl. v. 48.
[3] Grandeur of the Law (1684).
[4] Archæologia, xvi. 2.

office of Serjeant, and alle the fees that he had in England weere and be cessed and expired to his grete empovrysshyng, for they weere the grete substance of his lyvelode." He therefore prayed, as he was "the porest of alle youre Justices," that the king would grant him for his life certain tenements he specified of the value of 25*l.* 12*s.* 10*d.* a year. In this petition he also alleged that he had "such infirmite in his eghen that he dredeth hym gretely of faillyng and perisshyng of his sight;" an allegation which we must accept rather as a politic than a true appeal; since we find him sitting in the court for at least sixteen years, the last fine levied before him being dated at Midsummer, 1454, 32 Henry VI.[1]

His son married Margaret, the daughter and heir of John Talboys, Esq., of Nuthall, Nottinghamshire.[2]

AYSHTON, NICHOLAS.

Just. C. P. 1445.

See under the Reign of Edward IV.

BABINGTON, WILLIAM.

Ch. B. E., *and* Just. C. P. 1422. Ch. C. P. 1423.

See under the Reign of Henry V.

The family of Sir William Babington took its name from a place so called in Northumberland, where his ancestors are said to have resided from the conquest. His father was Sir John Babington, of East Bridgeford, Notts, who died in 1409; and his mother was Benedicta, daughter and heir of Simon Ward, of Cambridgeshire, who had been escheator for the counties of Northampton and Rutland, and custos of the castle and manor of Okeham. The issue of this union was one daughter and five sons, the elder of whom, Thomas, obtained by marriage the rich manors of Dethick, and Leachurch in Derbyshire, and several other rich possessions which

[1] Dugdale's Orig. 46.

[2] Thoresby's Notts, ii. 254.

remained in the hands of his posterity until 1586, when Anthony Babington was attainted for high treason, and his enormous patrimony passed to a brother who dissipated the whole. Another branch of this part of the family settled at Rothley Temple, in Leicestershire, where it is still honourably represented.

William was the second son of Sir John; and by his marriage with Margery, daughter of Sir Peter Martel, of Chilwell, Notts, acquired that and other considerable property to which she was heiress. Though he pursued the study of the law, we have no evidence in the Year Books of his success in his profession till the reign of Henry V., in the first year of which, January 16, 1414, he was constituted the king's attorney, an office which in those times was inferior to that of a serjeant-at-law; as we find him summoned on July 11, 1415, to take upon himself the latter degree in the following Michaelmas Term.

He and some others neglecting to obey the mandate, (according to Mr. Pym "out of their modesty, and doubting that their estates were not answerable to their place,"[1]), and there being then an insufficiency of serjeants to carry on the business of the courts, complaint was made in the parliament of November, 1417, which issued an order that they should, under a great penalty, immediately take upon themselves the degree. Upon their promise of obedience they had a respite till the following Trinity Term.[2] From that time his name frequently occurs in the Year Books till November 4, 1419, when he was appointed chief baron of the Exchequer. While he held this office he was placed on the bench of the Common Pleas also, on June 30, 1420; holding both places together, as Sir John Cokayn had done before him, during the short remainder of that reign, and for the first eight months of the next. He was then on May 5, 1423, advanced to the

[1] State Trials, ii. 1353. [2] Rot. Parl. iv. 107.

chief justiceship of the Common Pleas, and held the presidency of that court for thirteen years, retiring on February 9, 1436, 14 Henry VI.[1] Five days afterwards he did not escape the requisition for a loan for the equipment of the army destined for France, being then called upon for 100*l.*[2] If the account of his age be correct, he must have been then near eighty years old; a reasonable time for resigning worldly pursuits. He survived his resignation for nineteen years; and dying in 1455, 33 Henry VI.[3], he was buried at Lenton Priory, in his native county.

The Reports show his active attention to his legal duties; and tradition speaks of his godly life and conversation. His piety is evidenced by his founding a chantry for two chaplains at the altar of St. Catherine in the church at Thurgarton, in Notts; and by endowing the chantry of Babington, in Flaforth, in the same county, with several houses and rents.[4]

The St. Alban's registry contains an outlay by the abbot, which, however it might suit the practices of these times, is one which a modern chief justice would deem an insult. "For one cup given to William Babyngton, Knt., Chief Justice of the Common Bench, for favours done to the Monastery, c. s."

He is stated by Anstis to have been one of those knighted at Leicester in 4 Henry VI.; but this must be a mistake, as the judge is described as "chivaler" while an apprentice of the law in the reign of Henry V.[5]

He left two sons and a daughter; but his branch of the family, part of which was settled at Kiddington, in Oxfordshire, has been long extinct.[6]

[1] Dugdale's Chron. Series.
[2] Acts Privy Council, iv. 327.
[3] Cal. Inquis. p. m., iv. 163.
[4] Ibid. 298.
[5] Rot. Parl. iv. 363.
[6] I owe many of the facts here stated to the investigations of my learned relative and friend George Thomas Clark, Esq.

BANASTER, THOMAS.

B. E. 1423.

THE only entry relative to Thomas Banaster, who is described as a "clericus," is that he was constituted a baron of the Exchequer on November 4, 1423, 2 Henry VI.[1]; but whether in the place of Roger Westwode or Robert Malton does not appear.

BANKE, THOMAS.

B. E. 1424.

WE have here another instance of the paucity of materials respecting the barons of the Exchequer of this age. The sole mention of Thomas Banke is that he received that appointment on May 18, 1424, 2 Henry VI., in the room of William Hesill.[2] He was perhaps the son of Richard Banke, who held the same office in the last reign.

BATH AND WELLS, BISHOP OF. *See* J. STAFFORD.

BEAUFORT, HENRY, DEAN OF WELLS; BISHOP OF LINCOLN, AND WINCHESTER; CARDINAL.

CHANCELLOR, 1424.

See under the Reigns of Henry IV. and Henry V.

WHEN the statute was passed in January, 1397, legitimating the children of John of Gaunt by his mistress Catherine Swinford, whom he had married in the preceding year, Henry Beaufort, the second son, was probably just of age; as he is called Clericus on the Roll, and his next brother, Thomas, is styled Domicellus.[3] Of his youth we have little information beyond the fact that he was educated in part at Aix-la-Chapelle, and in part at Queen's College, Oxford[4]; and

[1] Acts Privy Council, iii. 121.
[2] Ibid. 147.
[3] Rot. Parl. iii. 343.
[4] Tyler's Henry V., i. 21.

that when he was little more than a boy he formed an amatory connection with Alicia, daughter of Richard, Earl of Arundel, sister to the Archbishop of Canterbury, and nearly related by marriage to John of Gaunt himself. By her he had an illegitimate daughter named Joan, who married Sir Edward Stradling, of St. Donat's, in Glamorganshire, to one of whose descendants a baronetcy was granted in 1611, which became extinct in 1738.[1] If this is a true relation, the lady must have been much older, and therefore probably the corrupter of his youth; but be this as it may, the amour did not impede his future fortunes, nor prevent his brother King Henry IV. from placing his own son, afterwards Henry V., under his tuition in the same college. This was about the year 1399, when Beaufort had been appointed chancellor of the university, an office which he held only one year. In the capacity of tutor he no doubt ingratiated himself with his pupil, and certainly was not a very severe preceptor, if we may judge from the money which he advanced to him while Prince of Wales; being no less a sum than 826*l.* 13*s.* 4*d.*, the whole of which was repaid as soon as Henry came to the throne.[2]

Bred up as an ecclesiastic, he received in the year of his legitimation the Deanery of Wells, together with a prebend in the church of Lincoln, and was elected bishop of the latter see on July 14, 1398. He accompanied King Richard on his fatal expedition to Ireland, during which Henry of Lancaster came back from his exile; and he was one of three bishops who were with the king at Milford on his too long delayed return. His indifference to the event and the politic character which he then bore are thus neatly described by

[1] Godwin de Præsul. 232. Sir Edward was appointed chamberlain and receiver of North Wales in 1423; and Beaufort remembers them both in his will.

[2] Devon's Issue Roll, 329.

an eye-witness in a metrical history of the last eventful scenes of Richard's reign:

"Le tiers si fu evesque de Nicole,
Qu nacontoit pas une poire mole
A tous leurs faiz;
Car il estoit frere germain parfaiz
Du Duc, pensant que bien feroit sa paix
Touiours a lui."[1]

The poet was right in his prophecy; for the bishop appeared in the first parliament of the usurper, and consented to the perpetual imprisonment of his late master.[2] His presence at the earlier councils of Henry IV., and his being entrusted, as we have stated, with the education of the young prince, prove that there was no interruption in the intercourse between him and his royal brother. In 1402 he was sent to escort the king's second wife, Joan of Navarre, Duchess of Brittany, to England; and a letter on the subject from him and his two coadjutors in the embassy, dated December 9, is still extant.[3] This marriage took place on the 7th and her coronation on the 25th of February, 1403; within four days of which, for the precise date is not ascertained, the young bishop received the Great Seal as chancellor of England.[4] For his accommodation in attending the court the towns of "Woltomstowe and Old Stratford" were assigned for his livery, and "pro Herbergiagio" of his servants and horses.[5] He opened the parliament in the following January, and also that in the next October.[6]

The death of William of Wykeham occurring about this time, the king procured his election to the vacant Bishoprick of Winchester, the temporalities of which were restored to him on March 14, 1405.[7] On his translation to this see he

[1] Archæol. xx. 322.
[2] Acts Privy Council, i. 105. 188.
[3] Rot. Parl. iii. 426.
[4] Hardy's Catal. 47.
[5] Rymer, viii. 324.
[6] Rot. Parl. iii. 522. 545.
[7] Rymer, viii. 392.

vacated the office of chancellor; but during the remainder of the reign he acted as one of the council; and on January 27, 1410, there being then no chancellor, he declared the causes for which the parliament was summoned.[1]

On the accession of his pupil and nephew Henry V., March 13, 1413, the Great Seal was immediately replaced in his hands.[2] He retained it during the whole of the first four years and part of the fifth year of the reign, opening all the parliaments that were held during that period; and having the satisfaction to announce to that of November, 1415, the glorious victory of Agincourt, won little more than a week before.[3]

Just previous to the king's next expedition into France, for the support of which the bishop had advanced him the sum of 14,000*l.*, secured on certain duties; and for the repayment of which a golden crown was deposited with him as a pledge on July 18, 1417[4]; the Great Seal was resigned by Beaufort on the 23rd of that month, and placed again in the custody of Thomas Langley, Bishop of Durham.[5] The apparent cause of this retirement was to undertake a pilgrimage to the Holy Land; but the probable one was to proceed to the Council of Constance then sitting for the purpose of settling the claims of three contending popes, and of arranging certain reformations in the church. His safe conduct is dated July 21. Whether he expected any attack to be made on him in his absence, or for some other cause, he obtained on the very day of his resignation of the Great Seal a grant of pardon for all crimes and offences, expressed in the most comprehensive terms.[6]

While on his way to Constance we have two letters from him to the chancellor, dated at Bruges on September 4, on subjects

[1] Rot. Parl. iii. 622.
[2] Rot. Parl. iv. 62.
[3] Rot. Claus. 1 Hen. V., m. 1.
[4] Ibid. 111.
[5] Rot. Claus. 5 Hen. V., m. 15.
[6] Rymer, ix. 471.

connected with the state.[1] The bishop was not one of the six ecclesiastics who were originally appointed on the part of England to attend this council; but he deemed his appearance there necessary in order to terminate a struggle which had already lasted too long. He reached Constance in the garb of a pilgrim; and his presence was deemed by some to be very prejudicial to the cause of the reform of the church. The question then agitating was whether that or the election of the pope should take precedence. By his suggestion, and on the promise of the cardinals not to delay the consideration of reform, the election was proceeded with; but, on its falling on Martin V., every attempt to renew the question of reform was frustrated, and the council was dissolved without any sound improvement being effected.[2] In November following the new pope named the bishop cardinal and apostolic legate in England, Ireland, and Wales; but by the remonstrances of Archbishop Chichely, who considered this an encroachment on his authority, the king forbade him to accept the dignity. From Constance the bishop proceeded on his pilgrimage to Jerusalem; of his adventures in which, or of the precise date of his return, we have no certain information.

We find the bishop again in England in 1421, when he was one of the sponsors for the king's son, afterwards Henry VI.; and again lent his sovereign 14,000*l.* towards the prosecution of the war, for which and for the arrears of the former loan a golden crown was again given in pledge[3]; which appears to have been delivered to him in the presence of the council on July 2.[4]

On the death of Henry V. the bishop and his brother Thomas, Duke of Exeter, were appointed governors of the person of the infant king their great nephew; while John,

[1] Acts Privy Council, ii. 234, 235.
[2] Tyler's Henry V., ii. 61.
[3] Rot. Parl. iv. 132.
[4] Acts Privy Council, ii. 288.

Duke of Bedford, the king's uncle, was made protector of England when within the kingdom, but, when absent, his brother Humphrey, Duke of Gloucester, was to execute the same office. The Duke of Bedford being in France at the accession, the immediate government fell on the Duke of Gloucester; but jealousies arose, which soon resulted in a determined hostility between the duke and the bishop, to whom the former attributed the checks which were placed by the council on his exercise of the supreme authority. Historians differ as to which was in fault; but probably both were in some measure to blame in the commencement of their disputes, and certainly in the extent to which they were carried.

The bishop's ascendancy in the council was naturally very great. The Records prove that he never failed in his attendance there; and in February, 1424, he assisted the government by advancing 4000*l.*, afterwards increased to 11,302*l.* 16*s.* 1*d.*, for which he received certain crown jewels in pledge for repayment.[1] On July 6 in the same year he was, by the advice of the council, invested for a third time with the office of chancellor[2]; and his labours being greatly increased by the absence of both the dukes from the kingdom, the council assigned him 2000 marks per annum beyond his accustomed salary.[3] He opened the parliament of April, 1425; but before that of the following year, the disputes between him and the Duke of Gloucester ran so high as to require the presence of the Duke of Bedford, who came from France to endeavour to effect an accommodation. The immediate necessity for this interference arose from the refusal of the governor of the Tower to admit Gloucester on his return to England into that fortress, in consequence of an order of council to exclude every one more powerful than

[1] Acts Privy Council, iii. 146.; Rot. Parl. iv. 278.
[2] Rot. Claus. 2 Hen. VI., m. 2. [3] Acts Privy Council, iii. 165.

himself. Gloucester, attributing this order to the bishop, caused the gates of the city to be closed against him; whereupon the retainers of both prepared to attack each other, and were with difficulty prevented by the Archbishop of Canterbury and the Duke of Coimbra, a cousin of the king's. By their intercession the parties were induced to keep the peace till the Duke of Bedford was referred to.

The bishop's letter to the protector was in these terms; which could not fail to bring him over:—

"Right hyghe and myghty prynce, and ryght noble and after one, leuest erthly lorde, I recommend me unto your grace with all myne herte. And as ye desyre the welfare of the kynge our soverayne lorde, and of his realmes of Englande and of Fraunce, and your owne weale with all yours, haste you hyder; for by my trouthe, an ye tarry longe, we shall put this lande in a jupardye with a felde: such a brother ye have here, God make hym a good man; for your wysdome knoweth well, that the profyte of Fraunce standeth in the welfare of Englande. * * * Wryten in great haste at London, the laste daye of Octobre."[1]

The protector on his arrival seems to have acted most fairly, although his impressions were evidently in favour of the bishop. He issued instructions from St. Alban's to the Archbishop of Canterbury and others to see the Duke of Gloucester, and endeavour to induce him to attend at Northampton, and be reconciled to the bishop previous to the parliament which had been summoned for the 18th of that month.[2] But the duke being inflexible, it became necessary, in order to prevent collision between the followers of the angry parties, to forbid any arms to be brought to the place of meeting. Evading this mandate, they attended with bats and clubs on their shoulders; from which circumstance

[1] Fabyan (1811), 596.

[2] Acts Privy Council, iii. 181.

the parliament was called the Parliament of Bats. The bishop opened the session as chancellor; and on the Commons praying that the differences might be settled, and the protector and the lords having taken an oath to judge with impartiality, the two contending parties thereupon agreed to submit to the arbitrement of certain lords then named. The Rolls of parliament do not contain the charges made by the duke against the bishop as stated by the historians, but only the award made by the lords. It may be inferred, however, that they were substantially as chronicled, and that they consisted of six articles, the two principal of which were, that at one time the bishop set a man in the chamber of Henry V., while Prince of Wales, to murder him; and that at another he advised the said prince to assume the government during his father's life. The arbitrators, after hearing the bishop's answers, unanimously acquitted him; and he, by their award, made a public denial in parliament of their truth, and a public declaration of his having no ill will to the duke; who in his turn was required by the award to say, "Fair uncle, since you so declare you such a man as you say, I am right glad that it is so, and for such I take you." The two then, according to the award, took each other by the hand. This occurred on March 12, 1426, and on the next day the bishop at his own request was exonerated from the office of chancellor.[1] On May 14 he prayed for permission to undertake a pilgrimage which he had long deferred[2]; and accompanied the Duke of Bedford to Calais. His mortification was in some measure diminished by the announcement of his nomination as a cardinal by Pope Martin V., with the title of Presbyter of St. Eusebius, Cardinal of England.

The cardinal returned to England in September, 1428, having been previously appointed legate of the pope, and

[1] Rot. Parl. iv. 296—299.

[2] Acts Privy Council, iii. 195.

captain general of the crusaders against the Bohemian Hussites. Here the Duke of Gloucester, who still retained his enmity, took an opportunity of annoying him by inducing the council to refuse to allow him to officiate on St. George's Day as chancellor of the order of the Garter, on the pretence that it was unusual for a cardinal to retain the Bishoprick of Winchester. The cardinal submitted for the time, but had influence enough to obtain permission to raise 250 lances and 2500 archers for that crusade. These forces, however, in less than a fortnight, were, by reason of "the great and grievous adversities and fortunes of war happened to the king's subjects in his realm of France," directed to proceed to serve under the Duke of Bedford for half a year; for permitting which the cardinal was to receive a reward of 1000 marks.[1] The pope's displeasure at this equivocal transaction was well compensated by the popularity it procured for the prelate in England, where he was allowed to resume his seat at the council notwithstanding his being a cardinal. He accompanied the young king to France, and performed the ceremony of his coronation at Paris on December 17, 1430.

It would be tedious to relate the different attempts made by the Duke of Gloucester to ruin the cardinal. Suffice it to say that they were successfully resisted by the sagacity of the latter, who gradually acquired a complete ascendancy over the king, which he retained till nearly the end of his life. Although there can be little doubt that on some occasions he exercised it to the annoyance of his rival, he does not seem to have pursued him with the same inveteracy which had been exhibited against himself; and the imputations against him of being a party to the duke's death are not supported either by evidence or probability. That event occurred on February 28, 1447, previous to which the cardinal had for some years retired from court, and made

[1] Acts Privy Council, iii. 330—345.; Rymer, x. 414.

way for the Duke of Suffolk who had become the royal favourite. His own dissolution was approaching, and took place on April 11, within six weeks of the Duke of Gloucester's. So powerful, however, has been the enchantment of Shakspeare's genius, that his dramatic picture of the cardinal's character is too often accepted as historic truth, without reflecting that the simple object of the bard was to enliven scenes developing political events, and to create a powerful interest in his audience by exhibiting the great actors of the time in strong and exciting contrast. No doubt the cardinal was not exempt from the frailties which were then too common; he was evidently fond of money, ambitious of power, jealous of rivalry, and more attentive to his political than his episcopal duties. But looking at the public evidences that are still extant, not excluding the multiplied charges with which the duke perpetually assailed him, there is little that can affect his character as a man anxious at once to serve his sovereign and to promote his country's welfare. The popular voice had been strongly in his favour; and when we recollect that during his ministerial career France was both won and lost to England, we cannot wonder that the prejudice excited against him towards the close of his life, from the supposition, whether well or ill-founded, that the national disasters had arisen from his counsels, should extinguish the memory of his former praises, and that, being the last popular impression of his character, it should alone survive him, and form a tradition sufficiently recognised to warrant its introduction into a dramatic representation.

Cardinal Beaufort was a bishop for forty-nine years, seven at Lincoln and the rest at Winchester. No works of his are mentioned in the former diocese; but in the latter he expended vast sums in completing the cathedral, and particularly in his new endowment of the hospital of St. Cross, which owes many of its present buildings to his munificence,

and to which he added the means of supporting an increased number of poor brethren. The charity which he dispensed among the poor during his life was continued under his will; and the pious dispositions which he made in his first codicil, dated only four days before his death, are a sufficient contradiction to the allegation that he died in despair.[1]

BILLING, THOMAS.

CH. K. B. 1471.

See under the Reign of Edward IV.

BINGHAM, RICHARD.

JUST. K. B. 1447.

See under the Reign of Edward VI.

BOURCHIER, THOMAS, DEAN OF ST. MARTIN'S, LONDON; BISHOP OF WORCESTER, AND ELY; ARCHBISHOP OF CANTERBURY; CARDINAL.

CHANCELLOR, 1455.

TWO members of this family have been already mentioned in connection with our legal history; John de Bousser, or Bourchier, who was a judge of the Common Pleas in the reigns of Edward II. and Edward III.; and his son Sir Robert de Bourchier, the military chancellor in the latter reign. Thomas, the archbishop, was great-grandson of Sir Robert, through his younger son William.[2] William's son, also named William, for his services in France was created Earl of Ewe, in Normandy, by Henry V.; and married Anne, the daughter of Thomas of Woodstock, Duke of Gloucester, sixth son of Edward III., and widow of Edmund,

[1] Godwin de Præsul. 231. 296.; Testamenta Vetusta, 249.

[2] See antè, Vol. III., p. 402. Dugdale makes this William the *grandson* of Sir Robert; but I have preferred Sir Harris Nicolas's statement as the more probable. Dugdale's Baron. ii. 128.; Nicolas's Synopsis, 77.

Earl of Stafford. Their eldest son Henry was created Earl of Essex in 1461; and their second son was the archbishop.

At the time of his father's death in 1420 Thomas Bourchier was very young; and soon afterwards became a student in Nevill's Inn at Oxford; in which university he afterwards held the office of chancellor from 1434 to 1437. His relationship to the royal family had already procured him the valuable Deanery of St. Martin's, London, to which he was admitted in 1433; and in November of the same year his "neghnesse of blood," as well as the desire of the Commons in parliament, is urged by the king to the prior and convent of Worcester as a recommendation for his election to fill the vacancy in that see.[1] The pope, however, appointed Dr. Thomas Brouns; and it was not without a threat to the latter if he accepted the nomination, and an urgent application to the former, that the king succeeded in placing Bourchier there.[2] Nearly eighteen months were occupied in the negotiation; the papal bull not being dated till March 9, 1435, nor the temporalities placed in Bourchier's possession till April 15. Even at that time his profession was obliged to be delayed for a month on account of his not being of sufficient age. In the same year the monks of Ely, no doubt with the view of gratifying the king, chose him as their bishop on the death of Philip Morgan, and the pope confirmed the election; but for some cause the king refusing his assent, and the bishop having the fear of a premunire before his eyes, a new election became necessary, which fell on Lewis of Luxemburgh. On the death of that prelate, however, in 1443, Bourchier was re-elected without royal or papal resistance; and was translated to Ely on December 20. The monkish historian of that diocese gives him a very

[1] Rot. Parl. v. 435.

[2] Acts Privy Council, iv. 285, 286.

unfavourable character; stating that during his ten years' rule he never performed mass in the church but once, on the day of his installation; and that he heavily oppressed the prior and other of the brothers by fines, and the tenants by imprisonment.[1]

Eight days after the death of Archbishop Kempe on March 22, 1454, the council at the request of the Commons, "for his grete merits, virtues, and grete blood that he is of," joined in recommending Bishop Bourchier to the pope as successor to the primacy.[2] This is the second time that the Commons are stated to have interfered in his favour; which, if honestly recorded, evidences the popularity of his character, and tends to throw some discredit on the representation of the monk of Ely. It also in some measure contradicts Godwin's statement that his election by the monks at Canterbury took place without any intimation of the royal wishes in his behalf. Be that as it may, he was elected by them on April 22, 1454; and having thus attained the highest ecclesiastical dignity in the kingdom, he was, within a year, entrusted also with the highest secular employment. On the king's recovery from his illness, the Earl of Salisbury, whom the Duke of York had appointed chancellor, was removed, and Archbishop Bourchier was put in possession of the Great Seal on March 7, 1455.[3] He retained it not quite eighteen months; during which the Lancastrians and the Yorkists were alternately in power. He had not enjoyed his appointment by the former much above two months, before the first battle of St. Alban's on May 22 gave the Yorkists again the ascendancy. Still the chancellor was not removed, but opened the parliament that met in July. Even when their power was more firmly established by a renewal of the king's illness, and the re-

[1] Angl. Sac. i. 671.
[2] Rot. Parl. v. 450.
[3] Rot. Claus. 33 Hen. VI., m. 9.

appointment of the Duke of York as protector in November following, the archbishop still continued in his place. And again when the king, resuming his authority, dismissed the protector on February 25, 1456, the chancellor was found to be as ready to act on that side as he had been on the other.[1] It is not therefore to be wondered at that Queen Margaret should be dissatisfied with so lukewarm a friend, and should seek a more steady adherent to her husband's cause. This will account for the removal, otherwise unexplained, of the archbishop, and the appointment of Bishop Waynflete as chancellor on October 11 in that year.[2]

A temperament so easy could not be expected to make much resistance to the deposition of his royal patron. Accordingly we find him at once reconciling himself to the ruling power, and crowning Edward IV. on June 29, 1461; and four years afterwards entertaining the king and his new queen, Elizabeth Woodville, for several days at Canterbury on their visit there to pay their devotions at Becket's shrine. By that time he had received the last honour he obtained in the Church; having been created cardinal-presbyter by the title of St. Cyriacus, in Thermis, on September 18, 1464. He was not, however, invested with the red hat till May 31, 1472; and he is first called cardinal in the Rolls of parliament of November in that year.[3] In 1475 he was one of the arbitrators between Edward and the French king.[4]

On the death of Edward IV. he was induced by Richard, Duke of Gloucester, to urge the queen to give up her younger son into the protector's care, the elder being already in his charge; and there is no reason to doubt that the archbishop's endeavours were conscientiously made without a suspicion of the tragic fate to which both were doomed.

[1] Rot. Parl. v. 278. 285. 321.
[2] Rot. Claus. 35 Hen. VI., m. 10.
[3] Chandler's Life of Waynflete, 127.; Rot. Parl. vi. 3.
[4] Lingard, v. 224.; Rymer, xii. 15—19.

His coronation of the usurper Richard III., and of his successful rival Henry VII., offers a curious exhibition of the facility with which in those perilous times minds could accommodate themselves to political changes; but it savours too much of heartlessness and careless indifference, or perhaps too much of consideration of personal safety, not to create a degree of disgust; which, however, is somewhat tempered by the recollection that the archbishop had arrived at a period of life when feelings are not acute, and the desire of peace predominates. He did not survive the accession of Henry VII. above six months, his death occurring on March 30, 1486, at the manor of Knole, near Seven Oaks, which he had purchased and presented to the archbishoprick, and on which he had expended a large sum in forming it into a palatial residence. His precise age is not ascertained; but considering that he had filled the primacy thirty-two years, and had sat on the episcopal bench no less than fifty-one years, it is evident that he had attained an extreme old age. He was buried in the choir of his cathedral.

He has the reputation of having been a learned man; and was certainly a most cautious one, guiding himself through the difficulties of a most troublesome period with infinite discretion. To judge from a letter in the Paston Correspondence, he did not dislike the diversion of the chase. We there find him going "to hunt and sport at Hunsdon."[1] His two sees of Worcester and Canterbury benefited largely by his liberality; and to the poor he was a kind friend. His consideration for indigent students is proved by his bequest of 120*l.* to each of the universities to form a chest for their benefit. But his memory is principally respected for having been an active instrument in introducing the art of printing into England. It is related that, having heard of its in-

[1] Paston Letter (1840), i. 94.

vention, he induced King Henry VI., towards the close of his reign, to send an officer of his wardrobe, Robert Turnour, to Haarlem, where John Guthenberg had set up a press; he himself supplying a considerable part of the expense. Turnour succeeded in bringing over Frederic Corsellis, one of the compositors, with a font of types; which the archbishop caused to be taken to Oxford, where the first press was accordingly, through his means, established in the year 1464.[1]

CANTERBURY, Archbishops of. *See* J. Stafford, J. Kempe, T. Bourchier.

CHEYNE, WILLIAM.

Just. K. B. 1422. Ch. K. B. 1424.

See under the Reign of Henry V.

By a list of those to whom the council in 14 Henry VI. issued writs requesting loans for the equipment of the army about to be sent to France, we find that at that time there were two William Cheneys who were opulent enough to be applied to: William Cheney, of Sheppey, for 40*l.*; and William Cheney, the judge, for 100 marks. Both were members of the ancient family of de Caineto; the former being the ancestor of the two Cheneys, of Kent, who were successively raised to the peerage in the reigns of Henry VII. and Elizabeth, but whose titles became extinct at their deaths; and the latter belonging to a branch which we have not been able distinctly to trace.

The name of William Cheyne is given in the apocryphal list of readers of Gray's Inn to which allusion has been already made.[2] Whatever credence is to be placed in this

[1] Godwin de Præsul. 129. 268. 466.; Chalmers' Biog. Dict.; Angl. Sac. i. 63. 537.; Hasted's Kent, xii. 427.

[2] See Vol. III., p. 382., and antè, p. 276.

document, there is no doubt that he was in practice as a lawyer in 8 Henry IV., his name appearing in the Year Books as an advocate from that year till 2 Henry V. In the twelfth year of the former reign he was one among eight who were summoned to take the degree of serjeant-at law. It does not appear that he was ever made one of the king's serjeants; but on June 16, 1415, 3 Henry V., he was constituted a justice of the King's Bench[1]; and received a new patent for the same court on the accession of Henry VI. In the second year of that reign he was raised to the office of chief justice of the King's Bench on January 21, 1424[2], and was soon afterwards knighted. He continued to preside in that court for fifteen years; his successor, Sir John Juyn, being appointed on January 20, 1439. By his monument in the church of St. Benet, Paul's Wharf[3], we find that he lived three years after his retirement; as he is there stated to have died in 1442.

By his wife Margaret, who died before him, he left a son named John and a daughter named Margaret, to the former of whom he bequeathed 400*l.* and all his estates at Stoke and Trapeselcs.[4]

CHICHESTER, BISHOP OF. *See* J. KEMPE.

CHOKE, RICHARD.

JUST. C. P. 1471.

See under the Reigns of Edward IV. and V., and Richard III.

CLERKE, JOHN.

B. E. 1460, 1470.

See under the Reign of Edward IV.

[1] By an evident blunder, Dugdale has placed him in this year as a judge of both courts.

[2] Acts Privy Council, iii. 132.

[3] Weever, 686.

[4] Testam. Vetust. 249.

COKAYNE, JOHN.

Just. C. P. 1422.

See under the Reigns of Henry IV. and Henry V.

Ashbourn, in Derbyshire, where his family had been seated from the time of the conquest, was the native place of Sir John Cokayne. Of his early history we have no account; but his name is mentioned as an advocate in the Reports of the time of Richard II. collected by Richard Bellewe; and in the twentieth year of that reign he appeared before the council for Sir Henry de Conewey.[1] From 18 to 22 Richard II. also he was Recorder of London.[2]

He was raised to the office of chief baron of the Exchequer on November 15, 1400, 2 Henry IV.; and, whether from his own ambition or from the ruling powers deeming his talents to be wasted by being confined to that court, a puisne judgeship in the Common Pleas was granted to him on June 17, 1406, 7 Henry IV.; and he performed the duties of both offices during the remaining seven years of the reign. In 6 Henry IV. a complaint was made against him in parliament by Laurence Allerthorpe, Sir William Gascoigne, and others, that he had violently entered their manor of Badesley-Endesore, in Warwickshire; and by a writ he was directed to put in his answer at the next parliament.[3] That the case was not discreditable to him may be inferred from the fact that before the return of the writ he received his second appointment. The result does not appear on the Rolls; but by the inquisition on his death we find that he possessed property at the place.

On the accession of Henry V. his two offices were again divided, and a new patent was granted to him as a judge of

[1] Acts Privy Council, i. 74.

[2] From a list of the Recorders of London compiled by the Hon. Charles Ewan Law, who held the office from 1833 to 1850, and who kindly presented me with a copy a few weeks before his lamented death.

[3] Rot. Parl. iii. 561.

the Common Pleas only. This was renewed by Henry VI.; and he continued to perform his judicial functions during the first seven years of that reign.[1] Having then sat on the bench nearly thirty years, he retired to private life; and died about nine years afterwards in 1438.[2] Dugdale gives a print of his effigy from his monument in Ashbourn church, representing him in his robes with a greyhound at his feet.[3] He held the sheriffalty of the counties of Derby and Nottingham in the 1st, 7th, and 13th years of Henry VI.[4]

By his wife Isabel, daughter of Sir Hugh Shirley, who was killed at the battle of Shrewsbury habited like his royal master, he had several children, one of whom continued his race in Derbyshire, and another in Warwickshire. From the latter descended Charles Cokayne, who was made a peer of Ireland in 1642 by the title of Viscount Cullen, which in the sixth generation became extinct in 1810.[5]

COLCHESTER, ARCHDEACON OF. *See* J. STOPINDON.

COTESMORE, JOHN.

JUST. C. P. 1429. CH. C. P. 1439.

THE seat of Sir John Cotesmore was at Baldwin Brightwell, in Oxfordshire. He married Florence, the daughter of Sir Simon Harcourt, ancestor of the lord chancellor in the reigns of Queen Anne and King George I.[6] Of his own early legal career we have little information, for he does not appear among the advocates in the Year Book till 8 Henry V. If the name John Corismore in Dugdale be, as no doubt it is, a mistake for his, he was made a serjeant-at-law in 5 Hen. V.: but he certainly must have been so in the ninth year, for we then find him sent as a justice of assize to Norwich and other

[1] Dugdale's Orig. 46.
[2] Cal. Inquis. p. m., iv. 182.
[3] Origines, 100.
[4] Fuller's Worthies, Derby.
[5] Collins, iv. 92.; Burke.
[6] Collins' Peerage, iv. 438.

places with Justice William Babington.[1] He afterwards became one of the king's serjeants; for on his elevation to the bench as a judge of the Common Pleas on October 15, 1429, 8 Henry VI., another person was appointed a king's serjeant in his place.[2] After sitting in that court for nearly ten years, he succeeded Sir John Juyn as chief justice there on January 20, 1439, 17 Henry VI.; but presided little more than eight months, the executors of his will being on October 14 following commanded to give up the Records to Chief Justice Newton who had been appointed on his death.[3]

DANBY, ROBERT.

Justr. C. P. 1452.

See under the Reign of Edward IV.

DANVERS, ROBERT.

Justr. C. P. 1450.

See under the Reign of Edward IV.

DERBY, WILLIAM.

B. E. 1435.

The barons of the Exchequer continued frequently to be members of the ecclesiastical profession, being as yet generally selected from the clerks of the department. William Derby was a clergyman, and was nominated third baron on February 8, 1435, 13 Henry VI.; but on June 16 in the following year he was advanced to the second seat in the court. He died before November 3, 1438, when Roger Hunt was put in his place.[4]

[1] Kal. Exch. iii. 380. [2] Acts Privy Council, iv. 4, 5.
[3] Dugdale's Chron. Series.
[4] Dugdale's Chron. Series; Acts Privy Council, iv. 295.

DIXON, NICHOLAS.

B. E. 1423.

WE have here another instance of the officers of the Exchequer as well as those of the Chancery being still in holy orders. Nicholas Dixon held the church of Cheshunt, in Hertfordshire, for thirty years; and must therefore have been presented to it about 1418. He was then clerk of the Pipe, and soon after became sub-treasurer of the Exchequer.[1] His next elevation was to the bench of that court; not, as Dugdale inserts him, in 6 Henry VI., but on January 26, 1423, in the first year of that reign.[2] Yet it is somewhat curious that, if the translation be correct, he is called "*clerk of* one of the barons of the Exchequer" in 4 Henry VI., when he received 10*l.* (a large sum in those days) for his expenses for fifteen days in attending the parliament at Leicester with divers Rolls of the Exchequer.[3] We cannot but suspect, however, that this is a mistake for "Nicholas Dixon, clerk, one of the barons, &c.;" as that designation was generally added to his name. He is mentioned as late as 19 Henry VI. in a deed relating to property granted to Richard, Duke of York.[4] His retirement from the court must have been previous to 22 Henry VI., as his name does not appear among those to whom the usual robes were then assigned[5]; but he lived several years afterwards, his death not occurring till Oct. 30, 1448, 27 Henry VI.

He was buried in the church at Cheshunt, which, together with a chancel dedicated to the Virgin, was erected by him; and his epitaph celebrates both his justice and his charity.[6]

DORSET, ARCHDEACON OF. *See* J. STOPINDON.

[1] Rymer, x. 253.
[2] Acts Privy Council, iii. 22.
[3] Devon's Issue Roll, 395.
[4] Acts Privy Council, v. 136.
[5] Dugdale's Orig. 99.
[6] Fuller's Worthies, Herts, i. 438.; Chauncy's Herts, 302.

DUREM, JOHN.

B. E. 1449.

See under the Reign of Edward IV.

DURHAM, ARCHDEACON OF. *See* J. KEMPE.
DURHAM, BISHOP OF. *See* T. LANGLEY.
ELY, BISHOP OF. *See* T. BOURCHIER.
EXETER, BISHOP OF. *See* G. NEVILLE.

FALLAN, WILLIAM.

B. E. 1444.

WILLIAM FALLAN, whom Dugdale calls William Fullan, and does not introduce into his list of the barons of the Exchequer till 1444, was really appointed in 14 Henry VI., 1435-6.[1] We have a curious account of his removal from the court. Richard Forde, one of the remembrancers, in a petition to the parliament of 33 Henry VI.[2], 1455, stated that Thomas Thorpe having superseded Forde in the office of remembrancer would not restore it to him unless he was made third baron of the Exchequer; and that Forde thereupon arranged with Sir William Fallan, clerk, then third baron, to resign on receiving from Forde a bond to pay him 40 marks yearly for life, unless otherwise provided for to the same amount; with a remarkable condition, however, by Sir William Fallan, that such provision should not be "any benefice havyng cure of soule." The prayer of this petition, that this bond should be made void, was granted; so that the baron lost both his place and pension.

Richard Forde was made remembrancer by the Earl of Worcester, a zealous Yorkist, who was not appointed treasurer till April 15, 1452, 30 Henry VI. Thorpe, who had held the office before Forde, was restored almost immediately

[1] Cal. Rot. Pat. 278.
[2] Rot. Parl. v. 342.

by the king's appointment; and he certainly was a baron of the Exchequer before the next parliament in March, 1453. We have therefore a near approach to the date of Fallan's removal from the court; but we have no statement of anything further about him except an entry from which we may infer that he was connected with the Exchequer in 21 Henry VI.[1]

FORTESCUE, JOHN.

CH. K. B. 1442.

THE county of Devon is justly proud of Sir John Fortescue as one of its worthies: in Westminster Hall his name is still regarded with reverence; and his principal work "De Laudibus Legum Angliæ," after more than three centuries, is referred to as the first treatise that entered minutely into the history of our legal institutions and described the professional education and habits of the period. The works of his three predecessors, Glanville, Bracton, and Hengham, were no doubt more useful to the legal student and forensic practitioner; but that of Fortescue offered greater attractions to general readers by its popular form and its historical details: and the consequence is that while the former have become almost obsolete, the latter is still read with interest by the curious and philosophical enquirer.

The family traces its origin, without the loss of a single link, to the knight who bore the shield before William the Norman on his invasion of England; the assumed name commemorating the fact. His son Sir Adam, who was with him in the battle, remaining in this country, received as the reward of their joint services, among other lands, the manor of Wimondeston or Winstone in the parish of Modberry, Devon. King John confirmed the grant, and it remained in possession of the family till the reign of Queen Elizabeth.

[1] Acts Privy Council, v. 300.

Two accounts are given of the judge's actual parentage; but discarding that which makes him the son of Sir Henry Fortescue, the chief justice of the King's Bench in Ireland from June, 1426 to February, 1429[1], who was really his brother, the most probable seems to be that his father was Sir John Fortescue, knighted by Henry V. for his prowess in the French wars, and made governor of Meaux which he had helped to reduce. This knight was a second son of William Fortescue of Winstone, and was himself seated at Shepham. He married Joan, the daughter and heir of Henry Norreis of Norreis, in the parish of North-Huish, in Devonshire, by whom he had several children; the two elder being the above-mentioned Sir Henry, the Irish chief justice; and Sir John, who obtained the same rank in England.

John Fortescue is supposed to have been born at Norreis, the estate of his mother. The date of his birth is uncertain; but looking at that of his call to the degree of the coif, it must have been about the close of the fourteenth century. He received his education, according to Bishop Tanner, at Exeter College, Oxford; and it is certain that he pursued his legal studies at Lincoln's Inn, where we find him one of the governors of the house from 1424 to 1429.[2] In Michaelmas Term of the latter year he was summoned to take upon him the degree of a serjeant-at-law; and it is curious that his name does not appear in the Year Books till the same date; a fact which is observable with regard to several other persons of eminence at this period, and probably shows that their previous practice was confined either to the provinces, or to the Courts of King's Bench and Chancery, of which the reports are comparatively few in number. From that time his arguments frequently occur: in 18 and 19 Henry VI. we find him acting as a judge of assize on the Norfolk cir-

[1] Smyth's Law Officers of Ireland, 82.

[2] Dugdale's Orig. 257.

cuit[1]; and at Easter in the latter year, 1441, he was named one of the king's serjeants.

So conspicuous were his merits that, on the death of Sir John Hody in the next year, he was, without taking any intermediate step, raised to the office of chief justice of the King's Bench on January 25, 1442, 20 Henry VI. In that court we have proof from the Year Books that he presided till Easter Term 1460, 38 Henry VI.; and no new chief justice is recorded until Edward IV. a few months afterwards seized the throne.[2]

His salary on his appointment was 180 marks (120*l.*) a year, besides 5*l.* 16*s.* 11*d.* for a robe at Christmas, and 3*l.* 6*s.* 6*d.* for another at Midsummer. In addition to this he received in the following February a grant for life of one dolium of wine annually; to which a second was added in the next year.[3] These two dolia (tunnes) of wine are expressly reserved to him by the act of resumption in 34 Henry VI.[4] In March, 1447, 40*l.* a year was granted to him beyond his former allowances.

From a letter in the Paston Correspondence dated January, 1443, we find that the assizes were sometimes held in the winter, and that in the year following his elevation those at East Grinstead in Sussex were obliged to be discontinued "pour noun venu dez Justicez," because he "had a sciatica that letted him a great while to ride, and he dare not yet come on none horse's back;" and his colleague Sir William Paston was also too ill to go. The letter adds that "as for the remanent of the assizes he shall purvey to be there by water;"[5] showing that the use of any land carriage was not then thought of.

It has been a question how far Sir John Fortescue was

[1] Kal. Exch. iii. 381.
[2] Rymer, xi. 28.
[3] Paston Letters (1840), i. 5.
[4] Dugdale's Chron. Series.
[5] Rot. Parl. v. 317.

justified in calling himself, as he does in the title to his work "De Laudibus," Cancellarius Angliæ; a title which he reiterates in his retractation of what he had written against the house of York, by making the interlocutor in the dialogue say to him "considering that ye were the chief chancellor to the said late king."[1]

Let us then follow him in his career, and see at what time he could have received the office after Easter, 38 Henry VI., 1460, up to which time we have seen that he acted in the King's Bench.

The fatal battle of Northampton was fought on July 10, 1460; and three days before it the chancellor Waynflete resigned the Seals in the king's tent on the field. Fortescue was clearly not appointed then; for the Seals were in the custody of Archbishop Bourchier on the 25th of that month; when the king delivered them to George Neville, Bishop of Exeter, the new chancellor. A parliament was held in the following October, which was opened by that prelate as chancellor of England. Fortescue does not appear in that parliament in his usual place as a trier of petitions; but neither does Prisot, the chief justice of the other bench. Of the four judges who were among the triers of petitions, only one, John Markham, was of the Court of King's Bench[2]; of whom there is no evidence whatever to show that he became chief justice till the next reign.

In that parliament all the judges were called upon, and refused, to give their opinion on the claim of the Duke of York; but as none of them are named, we are unable to say whether Fortescue was among them. Henry continued under the control of his enemies till February 17, 1461, the second battle of St. Alban's; and his reign practically expired on March 4, when Edward assumed the throne. At the

[1] Selden's Preface to the work.

[2] Rot. Parl. v. 461.

battle of Towton on Palm Sunday, March 29, Fortescue was present, and, when the field was lost, fled with King Henry. That unfortunate monarch went first into Scotland, then into Wales, and afterwards lay concealed in the north of England until he was betrayed and taken to the Tower of London in June, 1465. There he remained in durance till his temporary restoration in October, 1470. During this period the Great Seal remained in the hands of Bishop Neville till June, 1467; and then was transferred to those of Bishop Stillington; so that, without its possession, any appointment of Sir John Fortescue would have been merely illusory; and in fact could only have been legitimately recognised if made between February 17 and March 4, 1461. During the six months of Henry's renewed reign, from October, 1470, to April, 1471, it is certain that Fortescue did not hold the post; as Neville, then Archbishop of York, is expressly mentioned as chancellor.[1] We can therefore only conclude his title to be a nominal one, given during the exile of Henry; and must concur in the dictum of Chief Justice Finch, rather oddly introduced into his argument upon ship money in the reign of Charles I., that Fortescue was never actual chancellor of England.[2]

In the first parliament of Edward IV. Fortescue was attainted of high treason as one of those engaged in the battle of Towton; and all his possessions were forfeited to the king, who granted part of them to Lord Wenlock.[3] The inquisition of his property was not completed till the seventh year, under which it is inserted; occasioning some writers erroneously to date his attainder then.[4] He clearly was at some time in Scotland, going there probably with King Henry; for in his petition to King Edward some years afterwards he refers to the works he had written against his

[1] Rymer, xi. 672.
[2] Rot. Parl. v. 477. 581.
[3] State Trials, iii. 1225.
[4] Cal. Inquis. p. m., iv. 341.

title to the crown "in Scotlond and elleswhere."[1] We find him next, about 1463, with the queen and prince, but without the king, "at Seynte Mighel in Barroys" (in Lorraine), from which place he addressed a letter to the Earl of Ormond, then in Portugal, in which he describes himself not as chancellor, but simply as one of the knights who were there with the queen. They must all have been much straitened for the means of living; for he says, "we buth all in grete poverte, but yet the quene susteyneth us in mete and drinke, so as we buth not in extreme necessite." It is dated on December 13, and accompanies a letter from Prince Edward to the same nobleman who was then in Portugal, pressing him to urge the king of that country "for the forderance and setyng forth of my lord [King Henry] in the recuvering of his ryght, and subduing of his rebellis."[2] He remained in Lorraine for some time; and it was probably while there that he composed his learned work "De Laudibus Legum Angliæ" for the instruction of the young prince.

From this time we have no positive account of his movements till his return with the queen to England in 1471; nor is his name mentioned in any way during the six months of Henry's renewed reign. His age did not prevent him, as we learn from Warkworth, from being present at the battle of Tewkesbury on May 4, 1471, where he was taken prisoner; but it no doubt exempted him from suffering under the subsequent execution of the Lancastrians. His royal master and his princely pupil being now both dead, no hope could remain for the party to which he had been devoted. Further oppcsition, therefore, to the ruling powers would have been fruitless; and the desire of peace for the short remainder of his life, and of obtaining a restoration of

[1] Rot. Parl. vi. 69.

[2] Archæol. Journ. vii. 170.

his property for his family, was probably all that could now influence him. These feelings no doubt operated to produce the retractation, spoken of by Selden, of all he had previously written against Edward's title; and this it is apparent on the record was one of the causes of that monarch's reconciliation with him, and of the reversal of his attainder in October, 1473, 13 Edward IV., between two and three years after the conclusion of the contest.[1]

How long he lived afterwards is very uncertain. The only further recorded notice of him is at the end of the fifteenth year of the reign, February, 1476, when he delivered into the Exchequer an assize that had been taken before him while chief justice.[2] He is stated to have been ninety years of age when he died; but the knowledge of this fact seems to be inconsistent with the ignorance of the date of its occurrence. Over his remains at Ebrington, in Gloucestershire, is a tomb on which he is represented at full length in his robes as chief justice. His seat there, which he purchased in 35 Henry VI., still belongs to the family.

He married Elizabeth[3], daughter of Sir Miles Stapleton, by whom he had a son, Sir Martin, who appears by the inquisitions to have died before him[4], leaving two sons. From John, the elder of these, descended Sir Hugh Fortescue, who in 1721 was summoned to parliament as Lord Clinton in right of his maternal grandmother; and in 1746 was created Lord Fortescue of Castle Hill, Devon, and Earl Clinton. In the latter barony he was succeeded, under a special limitation, by his half-brother Matthew; whose son Hugh was on August 18, 1789, advanced by

[1] Rot. Parl. v. 69. [2] Kal. Exch. iii. 8.

[3] In 21 Henry VI. there is a patent confirming a grant of certain lands at Phelippes Norton, made by the prior of Henton, to John Fortescue and *Isabella* his wife; but I know not whether this was the judge.

[4] Cal. Inquis. p. m., iv. 358.

George III. to the titles of Viscount Ebrington and Earl Fortescue, which still flourish.

Two of Sir John Fortescue's descendants became judges, and will be noticed in their order under the reign of George II.: viz. Sir John Fortescue-Aland, who sat in each of the three common law courts, and was created Baron Fortescue of Creden, in Ireland, — a title which became extinct in 1818,—and William Forteseue, who sat in the Exchequer and Common Pleas, and ultimately became master of the Rolls. Besides these there was Lewis Fortescue, a baron of the Exchequer under Henry VIII., who was a lineal descendant from Sir Henry Fortescue, chief justice of the Irish King's Bench, the brother of Sir John.

A third peerage distinguished Sir John's family in the elevation of another descendant to the successive titles of Baron (1770), Viscount (1776), and Earl (1777), Clermont, in Ireland; all of which are now extinct.

FRAMPTON, ROBERT.*

? B. E. 1444.

Of the appointment of Robert Frampton as a baron of the Exchequer in 1444 no trace can be discovered beyond the occurrence of his name in the Chronica Series of Dugdale, who quotes a MS. volume belonging to the keeper of the Wardrobe. He was the son of John Frampton, of Morton, in the county of Dorset, by Edith, daughter of Sir Matthew Stawell, of Catherston, Somersetshire. By his wife Alicia, who survived him and died in 34 Henry VI., 1456, he left a son Robert. This branch is said to have failed for want of male issue; but the property is still in possession of a descendant of John.[1]

[1] Cal. Inquis. p. m., iv. 100. 271. 326.; Burke's Landed Gentry, 422.

FRANK, JOHN, ARCHDEACON OF SUFFOLK.

M. R. 1423. ? KEEPER, 1433.

JOHN FRANK was of a Norfolk family[1]; and was probably the son of John Frank, of Norwich, and Alice his wife.[1] He is first mentioned as a clerk or master in Chancery in 2 Henry V., 1414, in which reign he was also clerk of the parliament, receiving 40*l.* a year as his salary for that duty.[2] He was collated Archdeacon of Suffolk on November 10, 1421[3]; and on October 28, 1423, was constituted keeper of the Rolls in Chancery.[4] During the absence at Calais of the chancellor John Stafford, then Bishop of Bath and Wells, the Great Seal was placed in his hands for a month, from April 22 to May 23, 1433.[5] He held the office of master of the Rolls till May 13, 1438, when he was succeeded by John Stopindon.

FRAY, JOHN.

B. E. 1428. CH. B. E. 1436.

So early as in the reign of Richard II. John Fray held the manor of Coldridge or Codered, in Hertfordshire; for which county he was returned to parliament in 8 Henry V.[6] In 2 Henry VI., being then Recorder of London, he was one of the commissioners appointed with the mayor of that city to enquire into the treasons of John Mortimer. He was raised to the bench as a baron of the Exchequer in 4 Henry VI., 1425-6[7], and is mentioned in that character on July 15, 1428.[8] Dugdale does not introduce him into that court till February 8, 1435, 13 Henry VI.; but that is the date of his advancement to be the *second* baron.[9] In February in

[1] Acts Privy Counc. ii. 149.
[2] Le Neve, 221.
[3] Rot. Claus. 11 Hen. VI., m. 12.
[4] Cal. Rot. Pat. 273.
[5] Acts Privy Council, iv. 295.
[6] Ibid. v. 106.
[7] Rot. Pat. 2 Hen. VI., p. 1. m. 34.
[8] Chauncy's Herts, 67.
[9] Rot. Parl. iv. 202. 334.

the seventh year he was sent as a justice of assize into Norfolk[1], from which it may be inferred that he was a serjeant-at-law; and in every subsequent year both before and after Dugdale's date was he so employed.[2] He sat as second baron for twelve months only, being raised to the office of chief baron on February 9, 1436. When he had presided in the court for twelve years he was succeeded on May 2, 1448, 26 Henry VI., by Peter Arderne.[3] Two years afterwards we find him delivering a silver seal out of the treasury to the new chancellor, Cardinal Kempe, being described as "deputatum Jacobi Fenys, militis," the treasurer of England.[4] As it is not likely that he should have held the office of sub-treasurer at that time, it is probable that he acted on the occasion as an accidental substitute for the absent officer. In the same year an act was passed for the resumption of all the king's grants, from which was excepted[5] 40*l.* yearly out of 100 marks given to him for life out of the ferm of London and Middlesex, with a yearly robe, vesture, and furrure. It is worthy of remark that his patent for this was dated in 21 Henry VI., when he was chief baron; and that the robe, &c. was continued to him after he had retired from the office.

Among his possessions in Hertfordshire was the manor of Munden, in right of which he had the patronage of Rowheiny or Roweney nunnery. The prioress of it having, in consequence of its lands and revenues being insufficient for its support, surrendered them and the house to him, he obtained a licence dated June 30, 1459, 37 Henry VI., empowering him to transfer the property to a chantry he had founded in the church of the nunnery, to be called the chantry of St. John the Baptist of Roweney, for a perpetual

[1] Acts Privy Council, iii. 283.
[2] Dugdale's Chron. Series.
[3] Rot. Parl. v. 196.
[4] Kal. Exch. iii. 381.
[5] Acts Privy Council, vi. 354.

chaplain to pray for the souls of the founders and for the good estate of the king, &c., and of John Fray.[1] He was also a benefactor to the Abbey of St. Alban's and to the Priory of Elsingspitle.[2]

There is no other evidence of the part he took in the contest between the Roses, except that he made a loan (perhaps a compulsory one) of 200*l.* to King Edward IV. in his first year.[3] At the close of that year, 1461, he died, and was buried in the church of St. Bartholomew the Little, in London; in which Margaret, one of his daughters and coheirs, then the wife of Sir John Leynham, afterwards built a chantry.[4] He left large estates in the counties of Bedford, Essex, and Hertford; which, as he had no sons, were divided among his five daughters. His wife Agnes, or Annes, one of the daughters of John Danvers, of Cothorp, Northamptonshire, and sister of the judges Sir Robert and Sir William Danvers, survived him till 1478, having since his death had two other husbands; viz., John, Lord Wenlock, who was killed in the field of Tewkesbury in 1471; and Sir John Say, knight, who also died before her.[5]

FULTHORPE, THOMAS.

JUST. C. P. 1439.

THE grandfather of Thomas Fulthorpe was Sir Roger Fulthorpe, the judge of the Common Pleas, who was banished in 11 Richard II., 1388[6]; and his father, Sir William, was the knight in the retinue of King Henry IV. who, on the refusal of Sir William Gascoigne, was assigned for the nonce to sit in judgment on Archbishop Scrope, the Earl Marshall,

[1] Monasticon, iv. 342.
[2] Cal. Inquis. p. m., iv. 298. 303.
[3] Rot. Parl. v. 471.
[4] Cal. Rot. Pat. 325.
[5] Cal. Inquis. p. m., iv. 309. 390.; Morant's Essex, ii. 592.; Burke's Extinct Baronet. 150.; Testam. Vetust. 297. 347.
[6] See antè, p. 54.

Ralph Hastings, and others, in 1405.[1] No evidence exists of Sir William having acted as a judge on any other occasion; and this was more a military execution than a judicial trial. He was certainly never a "puisne judge" in the common acceptation, as Lord Campbell calls him; and we should be glad to see the authority on which the hope of succeeding Gascoigne as chief justice is imputed to him, before we join in the exultation of his Lordship in the disappointment of a desire which, as far as we can judge from contemporary history, there is not the slightest probability he ever formed.[2]

The first notice we have of Thomas Fulthorpe as a lawyer, in the Year Books, is in 3 Henry VI.; in which year he was made a serjeant-at-law. We then find him acting as a justice of assize[3], as was the practice with serjeants, until he was raised to the bench of the Common Pleas. The date of his appointment does not appear; but we may presume it to have taken place shortly before February 3, 1439, 17 Hen. VI., when the first fine was acknowledged before him. The last fine was in November, 1456, 35 Henry VI.[4] He then retired from the bench, and died twelve years afterwards, about 8 Edward IV., 1468.[5] We are not told when he was knighted.

Among the patents of 27 Henry VI., 1448–9, is one declaring that "pro salute sua" he shall not be compelled "residere" in his office of judge, and that he may take cognitions wherever they may be brought to him[6]: but we are left in doubt whether this privilege was accorded on account of a failure in his health or of some personal danger which he apprehended.

[1] Rot. Parl. iii. 633.
[2] Lord Campbell's Ch. Just. i. 125.
[3] Acts Privy Council, iii. 283.; Kal. Exch. iii. 382.
[4] Dugdale's Orig. 46.
[5] Cal. Inquis. p. m., iv. 343. 388.
[6] Cal. Rot. Pat. 293.

GAUNSTEDE, SIMON.

M. R. 1415. KEEPER, 1422.

See under the Reign of Henry V.

SIMON GAUNSTEDE was connected with the court as early as 9 Richard II., 1386, when his name appears attached to the confederation with the King of Castile. From the nineteenth year of Richard, and throughout the reign of Hen. IV., he is mentioned as one of the clerks of the Chancery, and as acting in that character as a receiver of the petitions to parliament.[1] In the third year of the next reign, on June 3, 1415, he succeeded John Wakering as master of the Rolls, the grant to him being, for the first time, during pleasure.[2] Cardinal Beaufort was then chancellor; and on his going to France in the following year the Great Seal was left with Gaunstede from September 5 to October 12, 1416.[3] Soon after the accession of Henry VI., Langley, Bishop of Durham, deeming it prudent to give up the Seal till the meeting of parliament, Humphrey, Duke of Gloucester, placed it in Gaunstede's hands, who held it from September 28, 1422, till November 16, when Bishop Langley was re-appointed chancellor.[4] In this instance he was recognised as an independent keeper with all the usual powers, and he received the accustomed salary.[5] He probably died soon after, since John Frank was appointed his successor on October 28, 1423. Although he was in holy orders we have no account of his ecclesiastical preferment.

GODEREDE, WILLIAM.

JUST. K. B. 1434.

WILLIAM GODEREDE, if not a native of the county of Norfolk, was a resident in it at Middleton. His name does

[1] Rymer, vii. 515. 809.; Rot. Parl. iii. 545. 608., iv. 63—170.
[2] Rot. Pat. 3 Hen. V., p. 1. m. 7.
[3] Rot. Claus. 4 Hen. V., m. 13.
[4] Ibid. 1 Hen. VI., m. 21.
[5] Rymer, x. 262.

not occur in the Year Books till he was called to the degree of a serjeant-at-law in 3 Henry VI.[1] In the ninth year, 1431, he received the appointment of king's serjeant, and is the only one of those officers whose salary is mentioned as being in arrear at Michaelmas, 1433, 12 Henry VI., when 50*l.* is entered as due to him.[2] On the 3rd of the following July he was constituted a judge of the King's Bench, his attendance in which court is noticed till Easter, 21 Henry VI., 1443.

His wife Catherine was a great promoter of the rebuilding of the church of Walpole St. Peter, in Marshland, in the window of which her effigy is placed. Ripley's Manor, at Depham, in Norfolk, belonged to her, and was sold at her death about 1464.[3]

HALS, JOHN.

Just. C. P. 1423. Just. K. B. 1424.

John Hals had a seat at Kenedon, in the parish of Sherford, in Devonshire; and probably was a native of that county. His name appears in the Year Books as an advocate from 11 Henry IV., 1409; and he was appointed one of the king's serjeants in 1 Henry V., 1413. In the first year of the following reign on May 5, 1423, he was made a judge of the Common Pleas; and on January 21, 1424, was removed to the King's Bench. But notwithstanding the latter appointment, he seems to have continued to act in the Common Pleas also till Hilary, 1425, 3 Henry VI.; a fine having been levied before him in that term.[4] In the ninth year an allowance of 8*l.* 13*s.* 4*d.* was made to him for his expenses in going from London to Kyllyngworth for the execution of certain insurgents and other Lollards and traitors at Coventry, together with five marks for the labour of himself

[1] Dugdale's Chron. Series.
[2] Rot. Parl. iv. 437.
[3] Blomefield's Norfolk, i. 715.
[4] Dugdale's Orig. 46., and Chron. Ser.; Acts Privy Council, iii. 71. 172.

and clerks "by way of reward."[1] His name does not appear as a trier of the petitions in parliament after the tenth year of the reign; but it occurs in the Year Books till Hilary, 12 Henry VI., 1434. In that year he probably died, as a new judge of the King's Bench was appointed in the following July. Chief Justice William Cheyne was one of his executors, and in 15 Henry VI. brought into the treasury of the Exchequer a certain special assize which had been taken before the deceased judge.[2]

He married the daughter of —— Mewy, of Whitchurch; and his second son John afterwards became Bishop of Lichfield and Coventry.[3]

HALTOFT, GILBERT.

B. E. 1447.

WE are told by Dugdale in his Chronica Series that Gilbert Haltoft was dead on November 30, 1458, 37 Henry VI., and that Thomas Thorpe was appointed second baron of the Exchequer in his stead; but he gives no information when Haltoft entered on the office. The Exchequer list, however, dates his admission in Michaelmas, 26 Henry VI., 1447; and in the act of resumption of the crown grants, which passed in the parliament of November, 1449, he is described as secondary baron, and 20 marks out of 40*l.* yearly, which had been granted to him by letters patent for life out of the ferms of London and Middlesex, were specially excepted. In 31 Henry VI. he received a further grant of 20*l.* yearly for life, which also was excepted from another act of resumption passed three years after. The last mention which is found of his name is in the latter year, when the Commons

[1] Acts Privy Council, iv. 89. [2] Kal. Exch. ii. 160.
[3] Prince's Worthies of Devon, 455.; Godwin de Præsul. 323.

prayed that he might be appointed one of the administrators of the property of Humphrey, Duke of Gloucester.[1]

His name is sometimes spelled Holtoft; and he may perhaps have been of the same family as John Hotoft, who was treasurer of the King's Household about the same time.

HANKFORD, WILLIAM.

Ch. K. B. 1422.

See under the Reigns of Richard II., Henry IV., and Henry V.

The family of Hankford was seated at a place of that name at Bulkworthy, in the parish of Buckland Brewer, in Devonshire, where Sir William Hankford was born. He seems to have been a younger son, as a Richard Hankford died in 7 Henry V. in possession of large estates in that county.[2] Of his early life we have no account; and the first mention we have of him is as one of the king's serjeants-at-law in 14 Richard II., 1390.[3] In January, 1398, we find him giving his opinion, by desire of the parliament, on the answers made by the judges to the questions propounded to them by Chief Justice Tresilian in the eleventh year; which he declared to be good and loyal, and such as he himself would have given under the circumstances.[4] It is to be hoped that this opinion was prompted rather by his fears of the danger that hung over him had he pronounced any other, than by the temptation of being raised to the seat on the bench of the Common Pleas then vacant by the promotion of William Thirning to be chief justice of the court. He was, however, appointed to fill it on the 6th of May following. Henry IV. renewed his patent on the very day he assumed the throne, feeling it a point of policy not to interfere so early in the judicial appointments; and Hankford

[1] Rot. Parl. v. 196. 317. 339.
[2] Cal. Inquis. p. m., iv. 44.
[3] Dugdale's Chron. Ser.
[4] Rot. Parl. iii. 358.

was summoned to attend at the coronation, being, as it is stated, made a knight of the Bath on the occasion.

He continued in the Court of Common Pleas throughout that reign, the last fine levied before him being on the octaves of Hilary, 14 Henry IV., 1413, two months before the king's death.[1] Two of the Devonshire historians[2] pretend that he was the judge who committed Prince Henry to prison for insulting him on the bench; an act which is attributed with far greater probability to Sir William Gascoigne. Indeed the particulars which these authors detail show that it is scarcely possible for Hankford to have been an actor in the scene; for if they occurred, as both state, in the King's Bench, Hankford, not being a judge of that court, could not have been present; and the Fleet, to which one of them asserts the prince was committed, was not a prison to which the judges of the King's Bench would have sent an offender. There is so little weight in the authorities quoted, that the tale, as far as it refers to this judge, may be entirely dismissed as an invention.

On the accession of Henry V. Sir William Hankford was removed from the Common Pleas to the head of the Court of King's Bench. Dugdale places his appointment to that high office on January 29, 1414, ten months after the death of the late king; but this is an error, his patent being dated March 29, 1413[3], eight days after that event, and ten days before the new king's coronation. He is expressly mentioned as chief justice at the parliament held on May 15[4], and at a council on July 10 in the same year.[5] He presided in the court during the whole of the reign, and was re-appointed at the commencement of that of Henry VI.; being the fourth king under whom he had held a judicial seat. In a very

[1] Dugdale's Orig. 46.
[2] Risdon; Prince.
[3] Rot. Pat. 1 Hen. V., p. 1. m. 25.
[4] Rot. Parl. iv. 4. 7.
[5] Acts Privy Council, ii. 132.

few months, however, his career was closed, his death occurring on December 20, 1422, not four months after the accession, and only four days after the close of the first parliament in which he had assisted as a trier of petitions. His will is dated on the 10th of the same month; and provides for the rebuilding of the church of Monkleigh, and the repairing of those of Bulkworthy and East Putford.

A very improbable account of his death is given by his biographers. He is stated to have become weary of his life; and, with an intention of getting rid of it, to have given strict orders to his keeper to shoot any person found at night in his park who would not stand when challenged; and then to have thrown himself in his keeper's way, and to have been shot dead in pursuance of his own commands. The cause of this suicidal conduct is represented to have been his "direful apprehensions of dangerous approaching evils;" which could only have arisen from a diseased imagination, as there was nothing at that time in the political horizon to portend the disasters of thirty years' distance. Holinshed introduces this event as happening in 1470, 10 Edward IV., very nearly fifty years after the death of the chief justice. The story, however, was long believed in the neighbourhood of his seat at Annery, in Monkleigh; and an old oak bearing his name was shown in the park, where it was said he had fallen. He was interred in the church of Monkleigh, where a monumental brass, of which there are now no remains, represented him kneeling in his robes. He had a high reputation both in his moral and his legal character; and his judgments are recorded in the Year Books and in Richard Bellewe's Reports.

He left two sons, Richard and John; the first of whom had a daughter Anne, who married the Earl of Ormond; and their daughter Margaret, marrying Sir William Bullen, was

the grandmother of Anne Bullen, the unfortunate wife of King Henry VIII., and the mother of Queen Elizabeth.[1]

HESILL, WILLIAM.

B. E. 1422.

See under the Reign of Henry V.

WILLIAM HESILL, or HESILT, was auditor of the Exchequer[2] at the time he was made a baron of that court, his patent for which is dated July 13, 1421, 9 Henry V. He was re-appointed on the accession of Henry VI., but in the course of the second year of that reign, on May 18, 1424, was exonerated from his office.[3] Illness was probably the cause of his retirement; for he died on April 9 in the following year, and was buried in the church of Northfleet, in Kent. He married Agnes, the daughter of John Appleton, who afterwards became the wife of Robert, the brother of Sir Thomas Molyngton, Baron of Wemme, and died in 1454.

His arms were, a chevron between three trefoils slipt.[4]

HILL, or HULL, ROBERT.

JUST. C. P. 1422.

See under the Reigns of Henry IV. and Henry V.

THIS judge was as often called Hull as Hill, and it is evident that the two names were in this age used indiscriminately. Prince introduces Robert Hill speculatively as one of his Devon worthies, but acknowledges that he is not of the same family as his contemporary namesake and judge, John Hill. We are more inclined to think he was of a Cornish family, and that he married two heiresses of that county; the first being Isabella, the sister and heir of Thomas, the son of

[1] Brydges' Collins' Peerage, ix. 73.; Gent's Mag. xxxiii., N. 3. 492.
[2] Acts Privy Council, ii. 290. [3] Ibid. iii. 147.
[4] Hasted's Kent, ii. 321., iii. 315.; Dugdale's Chron. Series.

Sir Thomas Fychet, who proved her age in 20 Richard II.[1]; and the second being the daughter and heir of Otto de Bodrugan, who died in 6 Henry VI. in possession of vast Cornish property.[2] The latter certainly was his wife; for they brought an assize in Cornwall in 7 Henry V., relative to property there, in which "Otis de B." is mentioned as father of the female plaintiff.[3] This Otis or Oto de Brodrugan or his father had been sheriff of that county in 3 Richard II.[4]

We find Robert Hill mentioned among other lawyers as an arbitrator in a case in 16 Richard II.[5]; and in the first year of Henry IV., 1399, he was appointed one of the king's serjeants, in which character he was required to contribute, or as it was called to lend, 100*l.* to enable the king to resist the Welsh and the Scotch.[6]

According to Dugdale's Chronica Series his elevation to the bench of the Common Pleas took place on May 14, 1408, 9 Henry IV.; but in Rymer there is a letter dated May 9, 10 Henry IV., in which the king directs that Robert Hull be made "nostre Justice" in the place of "John Marcham n'agaires nostre Justice." This letter, however, is evidently inserted under a wrong date: the latter date is incorrect, because, in the first place, John Markham never appears to have acted as a judge after February, 1408; and because, in the next place, Hill's patent bears Dugdale's date, and fines were levied before him as early as Midsummer, 1408.[7] He sat in the same court the whole remainder of his life.

In 3 Henry V. he was one of the judges by whom Richard, Earl of Cambridge, Henry Lord Scrope, and Sir Thomas Grey, were tried for treason at Southampton, and

[1] Cal. Inquis. p. m., iv. 462.
[2] Ibid. 118.
[3] Y. B. 7 Hen. V., p. 1.
[4] Fuller's Worthies, Cornwall.
[5] Rot. Parl. iii. 302.
[6] Acts Privy Council, i. 202.
[7] Dugdale's Orig. 46.; Cal. Rot. Pat. 254.; Rymer, viii. 584.

condemned to death; and two years afterwards he was employed to hold sessions in South Wales. For these two special services he had an allowance of 100 marks.[1] In the first year of the next reign he is spoken of as having been chief justice of Ely.[2]

He seems to have been rather a free-spoken judge on the bench. An action was brought against a dyer, who had bound himself not to use his craft for half a year; upon which Hill said that the bond was void because the condition was against the common law; adding, "And, by God, if the plaintiff was here, he should go to prison till he paid a fine to the king."[3] This is perhaps the only instance of an oath on the Bench being *reported*.

The last fine acknowledged before him as a judge of the Common Pleas was in Hilary Term, 3 Henry VI., 1425; soon after which he died, for his place was filled up in the following year; and at his wife's death in 6 Henry VI. she is described as his widow.

He settled himself at Shilston, in Devonshire; and left a son named Robert, who was sheriff of that county in 7 Henry VI., and whose descendants flourished there for many generations.

His arms were, Arg. on a chevron between three water bougets sable, a mullet or.[4]

HODY, JOHN.

CH. K. B. 1440.

THIS chief justice was descended from a family of considerable antiquity, though of no great note, in the county of Devon. Jordan de Hode held lands in Hode in the thirteenth century[5]; Richard de Hody was the king's escheator of that county in 27 and 31 Edward III[6]; and the same office was

[1] Acts Privy Council, ii. 207.
[2] Ibid. 2 Hen. V., p. 5. *b*.
[3] Testa de Nevil.
[4] Y. B. 1 Hen. VI., p. 8. *b*.
[5] Prince's Worthies of Devon.
[6] Abbrev. Rot. Orig. ii. 227. 245.

filled by William Hody in 2 Henry IV.[1] The father of the chief justice was Thomas Hody, who was lord of the manor of Kington Magna, near Shaftesbury, in the adjoining county of Dorset, in 7 Henry V., and in the same year was king's escheator there.[2] He married Margaret, daughter and heiress of John Cole, of Nitheway, near Torbay, in Devonshire, which thus became the birthplace of his children. Their elder son Alexander was a devoted partisan of the Lancastrian cause, and was attainted in the first year of Edward IV. for his adherence to Henry VI.[3]

John, the younger son, was educated as a lawyer, and is frequently mentioned in the Year Books from 3 Henry VI. There is no record of his summons to take the degree of the coif; but from his name appearing in the legal part of the list of those who were called upon to contribute towards the equipment of the army against France in 14 Henry IV.[4], there is very little doubt that he was then a serjeant; and if not then, he had certainly attained that rank before July, 17 Henry VI.[5] He was returned to parliament as representative of the borough of Shaftesbury in 7 Henry V., and again in 1, 3, 6, and 15 Henry VI.; and the estimation in which he stood on the latter occasion may be conceived by his being sent to the Lords with a message from the other house announcing the election of a speaker in the place of John Tyrell incapacitated by infirmity.[6] In 12 and 18 Henry VI. he was chosen a knight of the shire for the county of Somerset; and on the death of Sir John Juyn in the latter year he was raised to the office of chief justice of the King's Bench, his patent being dated April 13, 1440. He held it not quite two years; his successor, Sir John Fortescue, being appointed on January 25, 1442. His judicial career was

[1] Esch. 2 Hen. IV.
[2] Rot. Parl. iv. 285.
[3] Ibid. v. 477.
[4] Acts Privy Council, iv. 326.
[5] Chart. 44. F. 46., Brit. Mus.
[6] Rot. Parl. iv. 502.

probably terminated by his death; for his will is dated December 17, 1441, though the precise time of its probate is not recorded.[1]

Notwithstanding the short period during which he presided in the court, he is stated by Prince to have won golden opinions by his integrity and firmness in the administration of justice. That author relates a tradition, that when his son Thomas was tried before him at the assizes, and found guilty of a capital crime, he with his own mouth pronounced sentence of death upon him. How this tradition originated it would be useless to enquire, but that it is untrue there can be no question; for his eldest son, John, could not have been more than six or seven years old at his father's death; and Thomas, who was his third son, must of course have been still younger, and incapable therefore of committing a capital offence. The refutation, however, of a tale of this character will detract nothing from the worth of Chief Justice Hody; for in these days we have scarce virtue enough to admire so unnatural an exhibition of stoicism that might so easily have been avoided. A more creditable as well as more honourable testimony to the merits of Sir John is given by Sir Edward Coke, who mentions him amongst the "famous and expert sages of the law," from whom Lyttelton had "great furtherance in composing his Institutes of the Laws of England."[2]

The judge had an estate at Stowell, in Somersetshire, as early as 6 Henry VI.; but he was for some time seated at Pillesden, in Dorsetshire, which came to him, together with the manor of Whitfield in the parish of Wivilscombe, in Somersetshire, and other property in both counties, by his marriage with Elizabeth, daughter and heiress of John Jewe; son and heir of John Jewe, by Alice, daughter of John de Pillesden. After his death his widow married Robert

[1] Register Chichele at Lambeth, 481. *b.*

[2] Pref. to First Inst.

Cappes, Esq., who was sheriff of Dorset and Somerset, 24 Henry VI. She died in 1473[1], having had issue by her first husband five sons and several daughters.

John, the eldest son, was seated at Stowell and Nitheway, and his posterity continued there for many generations.

William, the second son, will be noticed as chief baron of the Exchequer in the reign of Henry VII. From him sprang a branch which resided at Pillesden, and became extinct in the last century.

The will of the chief justice, by which it appears that his father survived him, directs his body to be buried in the church of Wolavington, in Somersetshire, near the body "Magistri Johannis Hody," his uncle. By the large amount of silver plate and other articles which he gives in legacies, some idea may be formed of the domestic economy of a chief justice of England in the middle of the fifteenth century.[2]

HOLME, JOHN.

B. E. 1446.

THE only account that can be given of John Holme is that which Dugdale furnishes in his Chronica Series; viz., that he was constituted a baron of the Exchequer on February 3, 1446, 24 Henry VI.; and that three years afterwards he had a grant for life of his summer and winter robes, on the occasion, it would appear, of his retirement from the court; as the patent is dated May 28, 1449, 27 Henry VI., the day after the appointment of John Durem as a baron.[3]

[1] Cal. Inquis. p. m., iv. 364.

[2] Prince's Worthies of Devon; Hutchins' Dorsetshire, i. 317.; Risdon's Devonsh. 16. 60.; Collect. Topograph. vii. 22. To the kindness of Thomas Bond, Esq., of the Inner Temple, a descendant from one of the chief justices' daughters, I am greatly indebted for many valuable notes of which I have gladly availed myself.

[3] Dugdale's Chron. Series.

HORTON, ROGER.

JUST. K. B. 1422.

See under the Reign of Henry V.

ROGER HORTON possessed the manors of Catton and Brysingcotes, in Derbyshire, in which county he probably was born. His arguments as an advocate commence in 1 Henry IV., and frequently occur till he was called to the judicial seat in the King's Bench on June 16, 1415, 3 Henry V. Soon after he had taken his seat he had a special privilege granted to him of receiving recognitions wherever he might happen to be. He was re-appointed a justice of that court on the accession of Henry VI.; but died before the termination of the first year, viz., on April 30, 1423. He was buried in St. Dunstan's church, Fleet Street; and left an infant son, William, who did not attain his majority till 17 Henry VI.[1]

HUNT, ROGER.

B. E. 1438.

THE name of Roger Hunt occurs as Attornatus Regis in August, 1406, 9 Henry IV., when he superseded Thomas Derham.[2] He probably was the father of the baron of the Exchequer, of whom the first mention occurs as counsel for the Earl Marshall before the parliament in April, 1425, 3 Henry VI. In the following year he brought up a message from the Commons; and in July, 1433, was presented as speaker of that parliament.[3] Among the writs issued in the fourteenth year, requiring loans for the equipment of the army against France, one was issued to him for 40*l.* His appointment as baron of the Exchequer took place on No-

[1] Cal. Rot. Pat. 264. 269.; Maitland's London, 1095.; Cal. Inquis. p. m., iv. 71. 193.

[2] Cal. Rot. Pat. 254.

[3] Rot. Parl. iv. 268. 296. 420.

vember 3, 1438, 17 Henry VI.; and the last entry in which he is named is a grant to him, "for divers considerations," of 200*l.* out of the customs of London, in February, 1443, 21 Henry VI.[1] We cannot find with certainty the family to which he belonged.

ILLINGWORTH, RICHARD.

Ch. B. E. 1471.

See under the Reign of Edward IV.

JUYN, JOHN.

Ch. B. E., *and* Just. C. P. 1423. Ch. C. P. 1436. Ch. K. B. 1439.

Sir John Juyn was apparently of a Somersetshire family[2]; but of his connections and of any private particulars of his life we are left in ignorance. His first appearance as a lawyer in the Year Books was in 11 Henry IV., after which his name is of frequent occurrence. In the next reign he was one of those who refused to obey two summonses to take upon them the degree of serjeant; but who were compelled by the parliament to do so in Trinity Term, 5 Henry V., 1404.[3] About eight months after the accession of Henry VI. he was appointed on May 5, 1423, to succeed William Babington in the double office of chief baron of the Exchequer and judge of the Common Pleas.[4] He received the honour of knighthood in 4 Henry VI.; and retained his united places till February 9, 1436, in the fourteenth year, when he followed his former predecessor Babington into the principal seat of the latter court. There he remained for nearly three years; and then was made chief justice of the King's Bench on January 20, 1439, 17 Henry VI. Having thus filled the chief seat in each of the three courts, he

[1] Acts Privy Council, iv. 327., v. 227.
[2] Cal. Inquis. p. m., iv. 199.
[3] Rot. Parl. iv. 107.
[4] Acts Privy Council, iii. 71.

presided in the latter till his death, which occurred about fifteen months afterwards; his successor receiving his patent on April 13, 1440.[1]

KEMPE, JOHN, ARCHDEACON OF DURHAM; BISHOP OF ROCHESTER, CHICHESTER, AND LONDON; ARCHBISHOP OF YORK, AND CANTERBURY; CARDINAL.

CHANCELLOR, 1426, 1450.

WE have here a goodly array of ecclesiastical titles borne successively by one individual; on which his nephew Thomas, also Bishop of London, is said to have penned this hexameter: —

"Bis primus, ter præses, et bis Cardine functus;"

the latter clause being occasioned by one creation as cardinal priest, and another as cardinal bishop.

John Kempe was descended from a good family, which had been long in possession of the estate of Ollantigh, in the parish of Wye, in the county of Kent; where he was born in the year 1380. His father Thomas, by the death of his elder brother Sir Roger Kempe without issue, succeeded to the family property; and died in 1428, leaving two sons; the elder of whom was Sir Roger, the father of Thomas Kempe, afterwards Bishop of London; and the younger was the subject of the present sketch. Their mother was Beatrice, a daughter of Sir Thomas Lewknor. The account that his parents were in a very low condition of life is founded in error, and is clearly contradicted by the epitaph on their monument erected by their son in Wye church.[2]

He received his education at Merton College, Oxford, of which he became a fellow, taking his degree in the canon law. It is evident that he practised in the ecclesiastical

[1] Dugdale's Chron. Series.

[2] Weever, 228. 274.

courts; as he was one of the counsellors called upon by Thomas Arundel, Archbishop of Canterbury, to assist in the proceedings against Sir John Oldcastle for heresy on September 25, 1413; in which he appears to have taken an active part, pressing upon the defendant four points of the controversy which were most fatal to his case.[1] As these learned advocates were frequently joined to foreign missions, so we find him employed as an ambassador sent in July, 1315, to negotiate a peace with the king of Arragon, and to treat for a marriage with his daughter.[2] In that year also he was raised to one of the judicial seats of the court, being appointed dean of the Arches, and vicar-general of the new archbishop, Chicheley.

Unconnected as he was with any noble or influential family, these employments, and the rapidity of his subsequent preferments, both in the church and the state, speak strongly of his intellectual powers and the excellence of his character. By this time he had been already admitted Archdeacon of Durham; and on a vacancy occurring in the see of Rochester in 1418, he was elected to supply it. In the following April, Henry V. made him keeper of his Privy Seal; and within two years he was placed in the office of chancellor of the duchy of Normandy, which he retained till the end of that reign. After sitting at Rochester for about two years he was removed to Chichester on February 28, 1421; and on November 17 in the same year he was translated to the Bishoprick of London.

On the accession of Henry VI. he delivered up the seal of the duchy of Normandy; and was appointed one of the young king's council.[3] In the first year of that reign he was sent to the Duke of Bedford in France; and in the second

[1] State Trials, i. 242. 262.
[2] Rymer, ix. 295.
[3] Rot. Parl. iv. 171. 201.

year was employed to treat for the release of the king of Scots.[1] When Cardinal Beaufort retired from the chancellorship on his temporary accommodation with the Duke of Gloucester, our bishop was raised to that office on March 16, 1426[2]; and on the 8th of the following April had a further advance in the church by being elected Archbishop of York. He retained the Great Seal for nearly six years, during which he was one of the peers who signed the answers to the Duke of Gloucester, resisting his claim to govern at his own will and pleasure, and explaining the limitation of his authority as protector.[3] His health began to fail in 1431, when he was too ill to take his place in the parliament, his duty of opening the session being performed by Dr. William Lynwode; and it is to that cause that his resignation of the Great Seal on February 25, 1432[4], is generally attributed. It probably arose, however, from the contests between the ruling powers; for it appears that the archbishop continued industriously to attend the council, and that in 1439 he was one of the ambassadors to treat for peace with France.[5] In December of that year he was made cardinal priest by the title of St. Balbina; and had licence to assume the rank in England by a patent dated February 4, 1440.[6]

Ten years after this he was called upon to resume the office of chancellor, and received the Great Seal on January 31, 1450[7], as the successor of John Stafford, Archbishop of Canterbury; on whose death in 1452 he was raised to the primacy, to which he was elected on July 21. On this translation the pope granted him the rank of cardinal bishop, by the title of St. Rufina; and he had the satisfaction of receiving the cross and the pall at the hands of his nephew Thomas Kempe, then Bishop of London. He was now

[1] Acts Privy Council, iii. 86. 137.
[2] Rot. Claus. 4 Hen. VI., m. 8.
[3] Rot. Parl. iv. 327.
[4] Rot. Claus. 10 Hen. VI., m. 8.
[5] Acts Privy Council, iv. 336.
[6] Rymer, x. 758.
[7] Rot. Claus. 28 Hen. VI., m. 7.

seventy-two years of age; a period of life which makes it as much a matter of wonder that he should desire any further elevation, as that he should exhibit such an extraordinary energy in undertaking the duties of a more laborious position, in addition to the exercise of his political and judicial functions as chancellor. These united labours he continued to perform for nearly two years, when his career was closed by his death on March 22, 1453-4. The king was at this time in a state of imbecility; but hearing of the event on his recovery, he remarked "one of the wisest lords in this land was dead." He was buried in Canterbury Cathedral.

Engaged from his earliest manhood in public employments, occupying during the greater part of his life the highest positions both lay and ecclesiastical in the country, we cannot but think highly as well of his integrity as his capacity, when we find during a period when party spirit ran high, and the two ruling factions were alternately dominant, that Archbishop Kempe, though naturally sharing in the unpopularity to which all governments are occasionally liable, descended to his grave with his character unblemished by any of those charges from which the great in troublous times seldom escape.

His name is still remembered in the university of Oxford, to the schools of which, as well as to his own college, he was a munificent benefactor. He beautified the collegiate church of Southwell, and rebuilt that of his native parish, Wye, where he erected a tomb to his parents, and in 1447 endowed a college of secular priests for the celebration of divine service and the instruction of youth, calling them the provost and fellows of St. Gregory and St. Martin. This establishment was dissolved with the other religious houses under Henry VIII.; but the buildings have been since devoted to the purposes of parish education with part of the original endowments.

His arms were gules, three garbs or, a bordure engrailed of the last.[1]

KIRKEBY, THOMAS.

M. R. 1447.

See under the Reign of Edward IV.

KIRKHAM, ROBERT.

M. R. 1470.

See under the Reign of Edward IV.

LAKEN, WILLIAM.

JUST. K. B. 1470.

See under the Reign of Edward IV.

LANGLEY, THOMAS, DEAN OF YORK; BISHOP OF DURHAM; CARDINAL.

CHANCELLOR, 1422.

See under the Reigns of Henry IV. and Henry V.

THOMAS LANGLEY, or LONGLEY, for the name was as often written in one way as the other, according to Surtees was descended from an honourable family in Yorkshire. He studied at Cambridge, and in his youth was a retainer of the house of Lancaster. Educated as a priest, his first preferment was in 1400 to a canonry in the cathedral of York, to the deanery of which he was advanced on January 20 in the following year.

His connection with the reigning family soon introduced him to the court, where he began his political career as keeper of the king's Privy Seal. In this office we find him on December 21, 1403, when he received 8*l.* 9*s.* 5*d.* "for the price of divers vessels of silver gilt which belonged to Thomas Percy,

[1] Godwin de Præsul. 127. 188. 509. 534. 692.; Hasted's Kent, iv. 31., viii. 348—354., xii. 424.; Gent. Mag., Nov. 1845, p. 481.

late Earl of Worcester, forfeited to the king, and sold to the said keeper as an advance upon his accustomed fee in his office."[1] He retained this appointment till Henry Beaufort, Bishop of Lincoln, resigned the chancellorship on being raised to the see of Winchester; when Dean Langley received the Great Seal between February 27 and March 1, 1405, 6 Henry IV.[2]

A vacancy in the Archbishoprick of York occurring soon after by the execution of Richard Scrope, Langley was elected his successor, and received the royal assent on August 8[3]; but the pope resisting, and the death of Bishop Skirlawe opportunely happening soon afterwards, he took the wiser course of avoiding a contest with the papal power by accepting the Bishoprick of Durham, to which he was elected on May 17, 1406. He retained the Great Seal till January 30, 1407, when Archbishop Arundel was made chancellor.

During the remainder of the reign of Henry IV. he was frequently employed in state affairs. In 1409 he had letters of protection on going into Tuscany on the king's business[4]; and in 1411 he acted as a commissioner at Hauden-Stank on the borders of Scotland. In the latter year, on June 11, he received a cardinal's hat from Pope John XXIII.: an elevation which was not displeasing to his sovereign, whose continued confidence in him was shown by making him one of the executors of his will.[5]

Henry V. soon after his accession availed himself of the bishop's services by sending him as one of the ambassadors to the King of France[6], with whom a truce for one year was concluded. He was a second time raised to the office of chancellor on July 23, 1417[7], again succeeding Beaufort. In

[1] Devon's Issue Roll, 298.
[2] Hardy's Catalogue.
[3] Rymer, viii. 407.
[4] Ibid. 579.
[5] Devon's Issue Roll, 335.
[6] Ibid. 336. 340.
[7] Rot. Claus. 5 Hen. V., m. 15.

this character he opened every subsequent parliament of the reign; at the end of which, finding himself in the possession of the Great Seal with a new sovereign only a few months old, he had the precaution to obtain a formal entry of his delivering it up to the king's uncle Humphrey, Duke of Gloucester, and other lords, and to have the same recorded on the Rolls of parliament. As this surrender was dated on September 28, and the letters patent summoning the parliament were issued on November 6, 1422, the Great Seal was not attached to them by him, but by Simon Gaunstede the master of the Rolls, in whose possession the duke had placed it. With the full assent of that parliament the bishop was re-appointed on November 16[1]; but continued in office only about twenty months, being succeeded, on July 6, 1424, by Beaufort, Bishop of Winchester.[2]

He was nominated one of the king's council in the parliament at Leicester in February, 1426: but in the following June he prayed to be excused therefrom on account of his age and infirmities, so that he might attend to his episcopal duties.[3] Thus relieved from political attendance, he occupied the rest of his life in numerous magnificent and charitable works in his diocese; among which was his restoration of the Galilee in his cathedral built by Bishop Pusar, and the foundation of two schools for grammar and music. He was also a liberal contributor to the libraries not only of the two universities, but of Durham House at Oxford, of St. Mary's at Leicester, and of the college at Manchester. He died on November 30, 1437, having presided over his see for more than thirty-one years.[4]

[1] Rot. Parl. iv. 170, 171. [2] Rot. Claus. 2 Hen. VI., m. 2.
[3] Acts Privy Council, iii. 197.
[4] Godwin de Præsul. 751.; Le Neve, 314. 346.; Angl. Sac. i. 775.; Surtees' Durham, i. lv.

LEVESHAM, THOMAS.

B. E. *inter* 1438 and 1449.

DUGDALE does not introduce the name of Thomas Levesham in his list of appointments to the office of baron of the Exchequer; but he notices that John Durem was constituted in his place on May 26, 1449, 27 Henry VI. He had been long in the service of the Exchequer, and is always distinguished by the clerical designation. At the end of Henry V.'s reign he was employed in the marches of Picardy "upon divers inquisitions taken for the kynges avayle," for which he received 6*s.* 8*d.* a day[1]; in 2 Henry VI. he is mentioned as delivering a certain commission to the lord treasurer in the presence of the barons of the Exchequer[2]; eight years afterwards we find him an executor of Robert Thresk, clerk, for whom Nicholas Dixon, then a baron of the Exchequer, was a feoffee[3]; in 14 Henry VI. his name stands next to that of Sir John Juyn, the chief baron, in the list of those called upon to contribute to the equipment of the king's army[4]; and in 16 Henry VI., being then called "Remembrancer on the king's remembrancer's side of the Exchequer," he was paid 1*l.* "as an especial reward for writing out the statutes of Wales in two Rolls for the king's use."[5]

His appointment as baron must therefore have taken place after the latter entry; but neither that date nor any other fact of his subsequent life has yet been discovered.

He probably belonged to a family seated at Old Sarum, in Wiltshire.[6]

LINCOLN, BISHOP OF. *See* H. BEAUFORT.

[1] Acts Privy Council, iii. 56.
[2] Kal. Exch. ii. 122.
[3] Rot. Parl. iv. 398.
[4] Acts Privy Council, iv. 325.
[5] Devon's Issue Roll, 434.
[6] Cal. Inquis. p. m., iv. 33.

LONDON, BISHOP OF. *See* J. KEMPE.

LYTTELTON, THOMAS.

JUST. C. P. 1470.

See under the Reign of Edward IV.

MALTON, ROBERT.

B. E. 1422.

See under the Reign of Henry V.

ALL that we can discover of Robert Malton is, that he was constituted a baron of the Exchequer on November 14, 1413, in the first year of Henry V., and that his patent was renewed at the commencement of the following reign.[1]

MARKHAM, JOHN.

JUST. K. B. 1444.

See under the Reign of Edward IV.

MARTYN, JOHN.

JUST. C. P. 1422.

See under the Reign of Henry V.

JOHN MARTYN was son of Richard Martyn, of Stonebridge, in Kent, and by his marriage with Anna, the daughter and heiress of John Boteler, of Graveney, Esq., became possessed of large estates in that county. The first mention of him in the Year Books is in 8 Henry IV., from which time he seems to have been in considerable practice. He was summoned no less than three times to take upon himself the degree of serjeant-at-law, in 12 Henry IV., 1410, and 2 and 3 Henry V., February and July, 1415[2]; and on each occasion he disobeyed the summons. Several other apprentices of the law having been guilty of the same neglect, the parliament of November, 1417, took the matter up, and commanded

[1] Cal. Rot. Pat. 262. 269.

[2] Dugdale's Chron. Series.

them under a heavy penalty to comply with the requisition, which they did in the following Trinity Term.[1] He had not worn the coif long before he was raised to the bench of the Common Pleas. Though his patent is not recorded, the first fine levied before him was in Michaelmas, 8 Henry V., 1420; and the last was in Michaelmas, 15 Henry VI., 1436. He died on October 24 in that year; and was buried in Graveney church, where his gravestone is of a very large size, richly inlaid with brass, and having the figures of himself and his wife represented upon it: she having been buried by his side although she afterwards married Thomas Burgeys, Esq.

They left two sons, between whom the property was divided and remained with their descendants till the reign of Edward VI.

His arms were Argent, on a chevron gules, three talbot-hounds passant, or.[2]

MORLAND, WILLIAM.

M. R. 1471.

THE period during which William Morland held the office of master of the Rolls was very short, extending only over the last two months of the temporary restoration of Henry VI. His patent of appointment, which was for life, is dated February 12, 1471[3], and that of his successor April 29.[4] He had previously been one of the masters in Chancery, being so named on a delivery of the Seal in August, 1463[5]; and after Edward's re-conquest of the throne he fell back into his former place, acting like his brethren as a receiver of petitions in parliament until 4 Henry VII.[6]

[1] Rot. Parl. iv. 107.
[2] Hasted's Kent, ii. 482. 500., vi. 403., vii. 32.; Weever, 282.
[3] Rot. Pat. 49 Hen. VI., m. 1.
[4] Ibid. 11 Edw. IV., p. 1. m. 24.
[5] Rot. Claus. 3 Edw. IV., m. 3.
[6] Rot. Parl. vi. 167—409.

MOYLE, WALTER.

JUST. C. P. 1454, 1470.

See under the Reign of Edward IV.

NEALE, RICHARD.

JUST. K. B. 1470.

See under the Reigns of Edward IV., Edward V., Richard III., and Henry VII.

NEEDHAM, JOHN.

JUST. C. P. 1457, 1470.

See under the Reign of Edward IV.

NEVILL, GEORGE, ARCHDEACON OF NORTHAMPTON; BISHOP OF EXETER; ARCHBISHOP OF YORK.

CHANCELLOR, 1460, 1470.

See under the Reign of Edward IV.

NEVILL, RICHARD, EARL OF SALISBURY.

CHANCELLOR, 1450.

THIS, the only lay chancellor in the reign of Henry VI., was one of the twenty-two children of Ralph Nevill, the first Earl of Westmoreland. That nobleman married two wives; by the first of whom he had two sons, the elder succeeding to his honours. The second wife was Joane, daughter of John of Gaunt, Duke of Lancaster, by Catherine Swinford. She produced him eight sons, of whom the eldest was this Richard Nevill. He was born about the year 1400, being stated to be forty years of age at his mother's death in 1440.

He married Alice, the only daughter of Thomas de Montacute, Earl of Salisbury; and upon the death of her father in 1428 had a grant of the title for his life. Engaged from his earliest youth in the profession of arms, he had served with considerable personal distinction in the French

wars; so that though he had been occasionally employed in negotiating treaties with the King of Scotland, the appointment of so inexperienced a person as chancellor at a period when legal and statesmanlike attainments were required for the execution of its duties, could not fail to excite wonder. It was in fact a mere political proceeding, and arose thus: When the late chancellor, Archbishop Kempe, died on March 22, 1454, the king was afflicted with one of those sicknesses to which he was subject, and which rendered him altogether incompetent to attend to the affairs of government. The parliament accordingly a few days afterwards named Richard, Duke of York, protector of the kingdom. He had already advanced his claim, if not to the crown, at least to his right of succession to it; but by timely submission he had been recalled to the council. The Earl of Salisbury was one of his most zealous partisans; and so late as the previous October had been, in a letter from the king and council, reprimanded for taking upon him "to make the greatest assembly of our liegemen that ever was made in this our land at any time that man can think;" and threatened with such chastisement, in case peril came of it, as he and all others should have "cause to eschew to attempt any thing like hereafter."[1] Still, one of the first acts of the new protector was to invest the earl with the office of chancellor; in which character he is named in an ordinance dated March 30[2], but the Great Seal was not delivered to him till April 2.[3] It was a curious commencement of his judicial career, that on the next day he, with four other lords, was appointed to "entende with all diligence to them possible, to the saufgarde and kepyng of the see," for the resistance of the king's enemies.[4]

His tenure of office was very short, and was undistinguished

[1] Acts Privy Council, vi. 159.
[2] Rot. Parl. v. 450.
[3] Rot. Claus. 32 Hen. VI., m. 8.
[4] Rot. Parl. v. 144.

by any important incident. On the king's recovery no time was lost in removing the protector and his chancellor, the successor of the latter being sworn in on March 7, 1455.[1]

Then commenced the civil war; and in less than three months the first battle of St. Alban's was fought, in which the Duke of Somerset was killed; and the king, being defeated and left in the Duke of York's power, was compelled to pardon all the rebels, among whom was the Earl of Salisbury. This is not the place to detail the miserable events of the succeeding years, during which the earl strenuously supported the Duke of York, gaining a great victory in 1459 over Lord Audley at Blore Heath, near Drayton, in Shropshire. On December 30 in the next year, however, the duke was defeated and killed in the battle of Wakefield, and the earl himself taken and beheaded the next day at Pontefract. His eldest son Richard, the famous Earl of Warwick, succeeded in placing the duke's son on the throne by the name of Edward IV.; but, afterwards changing sides, was killed in 1471 at the battle of Barnet on the side of King Henry. The Earl of Salisbury had several other children, one of whom, George Nevill, became Archbishop of York and Chancellor of England.[2]

NEWTON, RICHARD.

JUST. C. P. 1438. CH. C. P. 1439.

THE original name of the family of Sir Richard Newton was Cradock, or Caradoc. The first recorded member of it was Rodrick, lord of Pembroke, whose son, slain in 1096, was father of Howele ap Grono, lord of Newton, in Rouse, in the county of Pembroke. Howell's grandson was Sir William Cradock; and after him in six generations of lineal descent came the judge, who is stated to have been

[1] Rot. Claus. 33 Hen. VI., m. 9.

[2] Dugdale's Baronage, i. 302.

the first to assume the name of Newton. It would seem, however, that other branches of the family had also adopted it; as a Matilda, who is described as having been the wife of William Newton, and who was then the widow of John Lorty, died in 7 Henry V., 1419, in possession of the manors of Swell and North Perrott, in Somersetshire. The judge's grandmother, according to one pedigree, was Alice, daughter of Stephen Perrot; and he himself resided at that time near to these manors, which were afterwards in possession of another William Newton (probably Matilda's son), who died about 31 Henry VI., 1452.[1]

The father of Sir Richard was John Cradock or Newton; and his mother was Margaret, the daughter of Howell Moythe, of Castle Ordin and Fountain-Gate; or, as another pedigree says, Christiana Ley. He adopted the name of Newton before 3 Henry VI., 1424, as he was then summoned by that name to take the degree of serjeant-at-law, and then also is first mentioned as an advocate in the Year Books. After that date he was apparently very fully employed; and in the fifth year of the reign he acted as a justice errant in Pembrokeshire.[2] On October 5, 1429, 8 Henry VI., he was appointed one of the king's serjeants; and having held that office, and filled the responsible position of Recorder of Bristol, he was elevated to the bench; being constituted a judge of the Common Pleas on November 8, 1438, 17 Henry VI. In less than a year he was raised to the head of that court, succeeding Sir John Juyn as chief justice on October 14, 1439; and he presided there for nearly nine years. The last fine acknowledged before him was on the octaves of St. Martin, 27 Henry VI., November, 1448; and Sir John Prisot was appointed in his place on June 16, 1449.[3]

[1] Cal. Inquis. p. m., iv. 41. 254.
[2] Rot. Parl. iv. 474.
[3] Dugdale's Orig. 46., and Chron. Series.

His death occurred between these two dates: and he was buried either in Bristol Cathedral, or in the Wyke chapel of Yatton church, in Somersetshire. There are handsome monuments in each, but neither have any arms or inscriptions left. Although the former, which has no effigy, has been generally appropriated to the judge, the evidence in favour of the latter, which is adorned with an effigy, seems the more weighty. The canopied altar-tomb in the cathedral of Bristol is in the style of the sixteenth century, while that at Yatton, the figure on which undoubtedly represents a judge, and is peculiarly curious as exhibiting the first example of a collar of S S S worn by a judge, is of the fifteenth, being the century in which Newton died. His wife is represented with him; and in the same church is a second monument of rather later date, with the figures of another couple: and the tradition of the place is, that one is the tomb of Sir Richard Newton and his wife, and the other that of his son Sir John and his wife. An entry in the churchwarden's books tends to confirm this tradition. It acknowledges, under the date 1451, the receipt of 20*s.* "de Domina de Wyke per manum J. Newton filii sui de legato Domini Ricardi Newton ad . . . . . campanæ:" and there is a further entry in the same year of the cost of re-casting and hanging the "Grete Belle." The Domina de Wyke is evidently the widow of Sir Richard, being so called from living at the manor-place of Wyke, which had been partly built by her husband, and was then and for some time afterwards in possession of the family.

During his presidency of the Court of Common Pleas the Year Books show him to have been indefatigable in the performance of his duties. His decisions, however, have no great weight in Westminster Hall, as he is reputed to have been a most unconscientious prerogative lawyer; his bias towards the rights of the crown rendering, wherever they are concerned, a close examination of his judgments necessary.

Different accounts are given of his matrimonial connections. One says that he had two wives; the first being Emma, daughter of Sir Thomas Perrott, of Harleston and Yestlington; and the second being Emmota, daughter and heir of John Harvey, of London.[1] Another states that he had only one wife; naming the first of the above two. Neither of these accounts can be quite relied on. A pedigree in the British Museum gives him only one wife, Emmota, the daughter of John Hervey, of London. This, supported by other evidence, seems to be nearer the truth; as his connection with the Perrotts has been already shown, both by the marriage of his grandfather, and by the previous holding of the manor of North Perrott. Sir Richard's widow died in 1475, in possession of Walton in Gordano, one of the family manors.[2]

Sir Richard left two if not more children; for herein the genealogists vary: but they all agree that from him descended Sir John Newton (the last of the family), of Barr's Court, Bitton, Gloucestershire, who was advanced to the dignity of a baronet on August 16, 1660; with a special remainder to his namesake, but no relative, John Newton, of Hather, in Lincolnshire. The title expired for want of male issue on April 6, 1743, at the death of the fourth possessor of it, Sir Michael Newton, knight of the Bath.[3]

NORTHAMPTON, ARCHDEACON OF. *See* G. NEVILL.

PASTON, WILLIAM.

JUST. C. P. 1429.

A KNIGHT named Wolstan, who came from France in the reign of Henry I., having received a grant of lands at Paston,

[1] Nicholls' Leicestershire. [2] Cal. Inquis. p. m., iv. 374.

[3] Wotton's Baronetage, iii. 145. I am indebted for many of the above facts to the investigations of the Rev. H. T. Ellacombe, the learned vicar of Bitton, who refers to Harleian MSS., No. 807. art. 83.; the grant of arms to Sir Henry Newton, in 1567; Leland's Itin. vii. 76. 87. &c.

in Norfolk, adopted the name of that place. His descendants flourished there for several centuries. One of them, Clement Paston, who married Beatrice, the daughter of John de Somerton, was the father of this William Paston.

He was born in the year 1378; and, being brought up to the law, was called to the degree of serjeant in Hilary, 8 Henry V., 1421. As his name does not appear in the Year Books till that time, it is not improbable that he confined his practice to his own county and its neighbourhood. He however seems afterwards to have been fully engaged in the courts at Westminster; and was occasionally employed as a justice of assize.[1] He was soon selected as one of the king's serjeants; a successor to him in that office being appointed when he was raised to the bench as a justice of the Common Pleas. This elevation took place on October 15, 1429, 8 Henry VI.[2]; and he retained his seat during the remainder of his life.[3]

Although his judicial character was so high as to acquire for him the title of the Good Judge, it did not prevent an accusation being brought against him in the parliament of 1434. This was contained in a petition from one William Dalling, in which, after referring to the oath of every justice that he will take no fees or rewards "for to be of counsel with no man, but only with our sovereign lord the king," he charged the judge that he "taketh divers fees and rewards of divers persons within the shires of Norfolk and Suffolk, and is withhold with every matter in the said counties:" and then he names nine cases, two being towns, one an abbot, four priors, and two individuals, with sums varying from 1*s.* to 40*s.*, except the last, which is evidently the origin of the complaint, and is thus stated:—

"And of Katherine Shelton X marks, against the king

[1] Blomefield's Norwich, i. 136.
[2] Acts Privy Council, iv. 4, 5.
[3] Dugdale's Orig. 46.

for to be of her counsel for to destroy the right of the king and of his ward, that is for to say, Ralph, son and heir of John Shelton." [1]

The petition was rejected, and is endorsed "Falsa Billa;" but it exposes practices which, even if some of them were old annuities granted while he was an advocate for past or future services, and not withdrawn when he rose to the bench, might well make his impartiality suspected when these parties were engaged before him. In the last case, however, this excuse would not apply; for Ralph Shelton not having been born till 1430, his wardship could not have commenced till after Paston was on the bench. It is to be hoped, therefore, the charge was altogether false and unfounded.

He was too ill to *ride* the home circuit in January, 1444, as was then the practice; and it is curious to find, from a letter addressed to him, that no other conveyance was then thought of except that by water; and that so his colleague Chief Justice Hody arranged for them to go.[2] On the 14th of the following August he died at Paston, aged 66. His widow records that having sent for John Paston, her son, they went into the chamber, when, after John Dam had read the will, "John Paston walkyd up and down in the chamb'e, John Dam and I knelyd at the beddys fete." [3] The annotator deems this to have shown "the reverence paid to his corpse;" but it seems more natural to suppose that they knelt in the act of prayer. He was buried in Our Lady's chapel at the east end of Norwich Cathedral, to which he had been a benefactor [4], and his widow and son settled a rent-charge of eight marks out of the manor of Sweynsthorp for a priest to sing for his soul in that chapel. At his death he had cash in his house in London 1460*l.* 2*s.* 4*d.*, and in

[1] Paston Letters, Knight's Ed., Introd. xxiv.
[2] Ibid. 5.
[3] Ibid. Introd. xxiv.
[4] Index Monast. 6.

Norwich 958*l.* 16*s.* 5*d.*, besides rings of gold weighing 13½ oz., gilt plate 24lbs. 11oz., and ungilt plate 92lbs. 2oz.[1]

He married Agnes, daughter and co-heir of Sir Edmund Barry, of Harlingbury Hall, Herts, and thereby greatly increased his possessions, as well in that county as in Norfolk. After her husband's death one John Hauteyn proceeded against her to recover the manor of Oxnead; and it affords a strong proof of the respect paid to the memory of the judge that Hauteyn was obliged to petition the chancellor to assign certain persons to be of counsel for him in the process, because no men of court would act in his behalf.[2] Agnes Paston died in 1479.

By her he had five sons and one daughter. From the eldest son, John, descended, after a knightly succession of seven generations, Sir William Paston, distinguished as an antiquary, and sheriff of Norfolk in 1636, who was made a baronet of Oxnead, Norfolk, on June 8, 1641. His son, Sir Robert, was created Baron Paston of Paston, and Viscount Yarmouth, by Charles II., on August 19, 1673. The Earldom of Yarmouth was added on July 30, 1679; but all these titles became extinct in 1732 on the death of his son William, the second earl, who had then survived all his male issue.[3]

The collection of letters written by or to the members of this family during the reigns of Henry VI., Edward IV., Richard III., and Henry VII., published originally by Sir John Fenn, and reprinted by Charles Knight in 1840 under the name of the "Paston Letters," contains a most interesting record of the domestic manners and habits of the fifteenth century.

[1] Blomefield's Norwich, ii. 40. [2] Paston Letters, 8.
[3] Morant's Essex, ii. 316.; Burke's Ext. Peerage and Baronetage.

POLE, RALPH.

Just. K. B. 1452.

According to the authority of H. Philipps, in his "Grandeur of the Law, 1684," Sir James Poole, of Poole, in Cheshire, Baronet, then living, was descended from Ralph Pole, the judge in this reign. But the pedigrees do not support this assertion. There is little doubt, however, that he was of the same family; and it seems probable that he was the brother of Thomas, the direct ancestor of the baronet, whose title, granted in 1677, became extinct in 1821. Another baronetcy from the same root, that of Shute, in Devonshire, which was granted in 1628, still flourishes: and we are much indebted to the kindness of the present representative for extracts from the pedigrees collected by his ancestor the eminent antiquary, Sir William Pole. A third baronetcy of this family was created in 1801, and became extinct in 1830 in the person of Admiral Sir Charles Maurice Pole.

Ralph Pole appears to have been one of the sons of Thomas Pole or Poole, of Barretspoole, in Cheshire, descended from Gwenwinwyn de la Pole, lord of Powis. His mother was Elizabeth, daughter of Sir William Stanley, of Hooton, in the same county.[1] His appearance as an advocate is first recorded in the Year Books in Michaelmas, 21 Henry VI., 1442, the same year in which he was called to the degree of a serjeant. On July 3, 1452, 30 Henry VI., he was constituted a judge of the King's Bench[2], and certainly continued to perform the duties of that office till Michaelmas, 38 Henry VI., 1459; after which his name does not occur. He was one of the commissioners for Derbyshire in the thirty-third year, to raise money for the defence of Calais[3]; and acted as a judge of assize in Yorkshire in 1457.[4]

[1] Wotton's Baronet. ii. 124., iv. 635.
[2] Dugdale's Chron. Series.
[3] Acts Privy Council, vi. 243.
[4] Newcome's St. Alban's, 361.

PORTINGTON, JOHN.

JUST. C. P. 1443.

JOHN PORTINGTON was of a Yorkshire family which was still flourishing at the end of the seventeenth century.[1] The Year Books prove that he was in very extensive practice as an advocate; his first appearance in them being in Hilary, 14 Henry VI. Though we have not the date of his call to the degree of the coif, we find him appointed one of the king's serjeants on April 17, 1440, 18 Henry VI.; and in the next year he acted as a justice of assize in Yorkshire.[2] Three years afterwards he was made a judge of the Court of Common Pleas[3]; but his first fine was not levied till Michaelmas in the twenty-second year, 1443. How long after Easter, 1454, 32 Henry VI., when the last fine was acknowledged before him[4], he remained in the court, we have no account, nor of the date of his death; but he was one of the executors of Ralph, Lord Cromwell, treasurer of England, who died in January, 1455.[5]

Leaving no male issue, his property was divided among his daughters, one of whom married Walter Grimston, Esq., of Grimston, in Yorkshire.[6]

PRESTON, JOHN.

JUST. C. P. 1422.

See under the Reign of Henry V.

THE family of Preston was a very ancient one, settled at Preston-Richard and Preston-Patrick, in Westmoreland, several members of which represented that county in parliament. Sir John, the father of the judge, was returned member in 36, 39, and 46 Edward III. Richard, his eldest

[1] Grandeur of the Law (1684).
[2] Cal. Rot. Pat. 285.
[3] Testam. Vetust. 276.
[4] Kal. Exch. iii. 383.
[5] Dugdale's Orig. 46.
[6] Collins' Peerage, viii. 210.

son, succeeded to Preston-Richard, while Preston-Patrick came to John, who was the second son.

Although John Preston pursued the law as a profession, we do not find his name as an advocate in Richard Bellewe's Reports of Richard II., nor in the Year Books of Henry IV. It appears, however, that he was employed in 18 Richard II., 1394, in the prosecution of one David Panell, adjudged to death for the murder of nine men and one woman; for his cost and labour in which the king gave him 2*l.* 6*s.* 8*d.*[1] He was made Recorder of London in 7 Henry IV., 1405[2], and was present in court in that character, declaring the custom of the city, in the thirteenth year of that reign.[3] From this it may be inferred that his first practice was confined to criminal cases and the City courts. He was called to the degree of serjeant-at-law in 12 Henry IV., 1411; and four years afterwards, on June 16, 1415, 3 Henry V., was raised to the bench of the Common Pleas; up to which time he continued to hold the recordership. He remained in that court throughout the reign of Henry V., and up to Hilary Term, 6 Henry VI.; when on January 28, 1428, being broken down with age, he was exonerated from his office and permitted to retire.[4] The date of his death is not recorded; but he left a son, Richard, whose descendants continued to enjoy the property, and became at last possessed of the manor of Furness, in Lancashire, by which title one of them, named John, was created a baronet in 1644,—a dignity which descended no further than to his two sons in succession, the younger of whom, Sir Thomas, died without male issue in 1710. Another branch of the judge's family which was widely extended still flourishes at Cockerham, in Lancashire.[5]

[1] Devon's Issue Roll, 261.
[2] Y. B., 13 Hen. IV., 16.
[3] Hon. C. E. Law's List.
[4] Dugdale's Chron. Ser.
[5] Burke's Extinct Baronetage, &c.

PRISOT, JOHN.

CH. C. P. 1449.

SIR JOHN PRISOT was a native either of Kent or Hertfordshire; in the former county his family possessed the manor of Westberies, in the parish of Rucking, in the reign of Henry IV., where his descendants continued till they sold it in that of Henry VIII.[1]; and in the latter the judge held the manor of Wallington, in which his widow, Margaret, resided after his death.[2] Of his early life we have no account, nor of the place of his legal education, nor the court of his practice previous to his being called to the degree of the coif in 21 Henry VI., 1443, in which year his arguments are first recorded in the Year Books. It is evident, however, that he must have already acquired some reputation as a lawyer, as on the death of Sir Richard Newton, six years afterwards, he was advanced to the office of chief justice of the Common Pleas, his patent being dated June 16, 1449, 27 Henry VI. "Certen ordinances made in the tyme of Sir John P'sott, Chef Justice of the Commen Place, touchyng the officers there" are to be found in p. 8. of the first volume of the "Recovery Indexes" now in the Carlton Ride.[3] He continued to preside in the court till Edward IV. had seized the throne, when he was not re-appointed. As we do not find that he took any decided part in the contest between the royal rivals, it is not improbable that if his death did not occur about that time, he took the opportunity of the commencement of a new reign voluntarily to retire to private life.

In one of the letters of the Paston Correspondence he is represented as a partial judge, the writer saying that "he would suffer no man that was learned to speak for the plaintiffs, but took it as a venom, and took them by the nose at

[1] Hasted's Kent, viii. 355.
[2] Chauncy's Herts, 48.
[3] Third Report, Pub. Rec., Appx. ii. 127.

every third word, which might well be known for open partiality:" but this is merely the representation of a disappointed partisan in a particular case.[1] There is no doubt that he was a considerable lawyer; and he is said to have given "great furtherance" to Judge Littleton in the composition of his "Tenures."[2]

He had a daughter named Anne, who married George Dallyson.

ROCHESTER, Bishop of. *See* J. Kempe.

ROUCLIFFE, BRIAN.

B. E. 1458, 1470.

See under the Reigns of Edward IV., Edward V., Richard III., and Henry VII.

ST. MARTIN'S, LONDON, Deans of. *See* J. Stafford; T. Bourchier.

SALISBURY, Archdeacon of. *See* J. Stafford.

SALISBURY, Earl of. *See* R. Nevill.

STAFFORD, JOHN, Archdeacon of Salisbury; Dean of St. Martin's, London; Dean of Wells; Bishop of Bath and Wells; Archbishop of Canterbury.

Chancellor, 1432.

This prelate is erroneously represented by Lord Campbell as the son of the Earl of Stafford. He was a descendant from the same ancestor, Robert, Baron Stafford, through his daughter Milicent, who married Hervey Bagot in the reign of Henry III. His father was Sir Humphrey Stafford, surnamed (whether from his generous disposition, or from having an artificial hand, does not appear) Sir Humphrey of the Silver Hand. His mother was Elizabeth, the daughter and heir of . . . . Dynham, and widow of Sir John Maltravers.

[1] Paston Letters, i. 29. [2] Dugdale's Orig. 58

Of their two sons he was the second; and he is specially mentioned in the will of his brother, Sir Humphrey Stafford, dated in 20 Henry VI., as Bishop of Bath and Wells. This brother was the ancestor to another Humphrey who was created Earl of Devon in 9 Edward IV.; a title which he enjoyed only a few months, being beheaded in the same year, and which became extinct as he left no issue.[1]

John Stafford was born at Houke in the parish of Abbotsbury, Dorsetshire, a manor belonging to his mother. He was educated at Oxford; and taking his degree in laws, afterwards practised as an advocate in the ecclesiastical courts. There he was advanced by Archbishop Chicheley to be Dean of the Arches, probably succeeding Archbishop Kempe in that place, as he subsequently did in the offices of keeper of the Privy Seal and chancellor.

On September 9, 1419, he was collated Archdeacon of Salisbury, and was made chancellor of that diocese in 1421. In May in the latter year we find him in possession of the place of keeper of the Privy Seal, which he retained during the remainder of the reign of Henry V., and was reappointed on the accession of Henry VI., his salary being twenty shillings a day.[2] On the death of William Kynwolmersh in December, 1422, he succeeded him both as Dean of St. Martin's, London, and in the high office of treasurer of England.[3] The former he probably gave up on his becoming Dean of Wells on September 9 in the following year: the latter he retained till March 13, 1426, when he resigned it at the same time that Cardinal Beaufort retired from the chancellorship after his acquittal from the charges brought against him by the Duke of Gloucester.[4] Elected Bishop of Bath and Wells on May 12, 1425, he was named

[1] Dugdale's Baronage, i. 172.
[2] Rymer, x. 117.; Rot. Parl. iv. 171.; Acts Privy Council, iii. 8.
[3] Ibid.; Monasticon, vi. 1324. [4] Rot. Parl. iv. 299.

as one of the lords of the council during the king's minority; and was most regular in his attendance at its meetings.

By a MS. letter in the British Museum, addressed by the king to him on July 11, 6 Henry VI., 1428, it would appear that he had resumed his former office of keeper of the Privy Seal. In 1430 he accompanied the king to France, and had a salary as one of his counsellors there[1]: and in 1432, when Archbishop Kempe resigned the chancellorship, the Great Seal was transferred to his hands on March 4.[2] He remained in this high office uninterruptedly for eighteen years wanting thirty-two days; a longer period than any preceding chancellor had retained the Seal, except Bishop Burnel, who exceeded the eighteen years by about the same number of days. He is the first possessor of the office who is known to have been called "lord chancellor."[3]

He had held the Great Seal about eleven years when his patron Chicheley, Archbishop of Canterbury, died. The vacancy was immediately filled by the election of Bishop Stafford on May 15, 1443; and about the same time he was appointed apostolic legate in England, by which title he is several times described.[4] That of cardinal, which is frequently attached to his name in the lists of the bishops, we do not find that he ever received; and the mistake has probably arisen from confounding him with Archbishop Kempe, who bore the same christian name, and certainly was a cardinal.[5]

The absurd practice of opening the parliament with a political speech introduced by a Scripture text was still continued; and he had numerous opportunities of displaying his eloquence, which occasionally was animated and impressive; but too often, according to the practice of the time, far-fetched, and tasteless in its application. His addresses are all in Latin in the Rolls of parliament; and it would afford

[1] Acts Privy Council, iii. 310., iv. 29. [2] Rot. Claus. 10 Hen. VI., m. 8.
[3] Rot. Parl. v. 103. [4] Ibid. v. 66. 128. [5] Godwin de Præsul. 795.

little satisfaction to the readers of this work were its pages encumbered with translations from the "Parliamentary History," where many of them may be found.

Throughout his lengthened possession of the Great Seal Archbishop Stafford was allowed to have exhibited that learning, and caution, and intelligence which were to be expected from his early character and his long experience. But it was his misfortune to witness during the same period the gradual loss of all those dominions in France for the acquisition of which Henry V. had been almost worshipped by the English; and thus to share in the unpopularity consequent on the reverses. Fuller, mistaking his parentage, quaintly says of him; "No prelate (his peer in birth or preferment) hath either less good or less evil recorded of him."

Whether induced by the consciousness of increasing infirmities, or dreading the storm then collecting against the Duke of Suffolk, or forced by the dissatisfaction of the people with the terms of the peace with France, for which he with the other ministers would be deemed responsible, he resigned the office of chancellor on January 31, 1450; or in the terms of the record, "exoneratus fuit."[1] The first use made by the king of the Great Seal was to attach it to a patent of pardon to the archbishop. He lived a little more than two years after his retirement; and dying at his palace at Maidstone on July 6, 1452, was interred in Canterbury Cathedral.[2]

STOPINDON, JOHN, ARCHDEACON OF COLCHESTER AND DORSET.

M. R. 1433.

THE first of these clerical preferments[3] was given to John Stopindon on May 19, 1433, 11 Henry VI., as one of the

[1] Rot. Parl. v. 172.

[2] Godwin de Præsul. 127. 379.; Le Neve, 7. 33. 36. 268. 274.; Hasted's Kent, xii. 422.

[3] Le Neve, 196. 281.

masters in Chancery[1]; in which character we find him mentioned in the previous year, and as keeper of the Hanaper in this.[2] The second archdeaconry he received on July 19, 1440, after his appointment as master of the Rolls, which took place on November 13, 1438.[3] In his patent on that occasion special reference is made to his services to the last two kings in France and Normandy, the nature of which is not recorded; but may be inferred from his being employed in December, 1440, 19 Henry VI., as one of the commissioners to conclude a treaty of alliance with the ambassadors of the Archbishop of Cologne.[4] On March 29, 1447, Thomas Kirkeby had a grant of the office of master of the Rolls in reversion; probably in expectation of the early death of Stopindon. That this took place very shortly afterwards appears from a successor to his Archdeaconry of Dorset being collated on May 25.

STRANGEWAYS, JAMES.

Just. C. P. 1426.

James Strangeways was of a Yorkshire family, and one of the lords of Whorlton in that county.[5] In 2 Henry IV. he was sent up to London with letters to the council from Sir Henry Percy, who called him his "bien bon ame amie."[6] We do not find his name in the Year Books as an advocate until he was called to take upon him the degree of a serjeant-at-law on February 3, 1411, 12 Henry IV. In 1415 he was appointed by Henry V. one of his serjeants; and on February 6, 1426, 4 Henry VI., he was raised to the bench of the Common Pleas. From that time fines continued to be levied before him till Michaelmas in the twenty-first year,

[1] Rot. Claus. 10 Hen. VI., m. 8.
[2] Rymer, x. 523.
[3] Rot. Pat. 17 Hen. VI., m. 15.
[4] Acts Privy Council, v. 126.
[5] Burke's Landed Gentry, 861.
[6] Acts Privy Council, i. 151.

1442; soon after which, as he must have been an old man, he probably died.

His son Sir James married Elizabeth, one of the daughters and coheirs of Philip Lord Darcy[1], and was speaker of the House of Commons in the first parliament of Edward IV.[2]

SUFFOLK, ARCHDEACON OF. *See* J. FRANK.

THORPE, THOMAS.

B. E. 1453.

IF we have found little to interest our readers in the lives of the other barons of the Exchequer of this reign, we are in some measure compensated by the incidents that marked the career of this strenuous and unfortunate supporter of the House of Lancaster. Amidst the numerous families of Thorpe which then existed, it is difficult to decide to which Thomas Thorpe belonged. We find him an officer of the Exchequer in 20 Henry VI., 1442, when he was commissioned to receive the "great good" which the king expected would accrue from the general pardon he had granted to his subjects, and to apply it to the defence of Calais.[3] In 28 Henry VI. the king resumed a grant to him of 10*l.* yearly out of the issues of Essex and Herts; but he excepted all other grants and leases made to him out of the act of resumption.[4] Dugdale does not introduce him among the barons of the Exchequer till November, 1458; but he had clearly then held the office between five and six years; and we have a curious exhibition of the mode of his obtaining it in a petition to the parliament of 33 Henry VI., 1455.[5]

Thorpe was remembrancer of the Exchequer when the Earl of Worcester was appointed treasurer in April, 1452.[6] That nobleman, who was a partisan of the Duke of York,

[1] Dugdale's Baron. i. 373.
[2] Rot. Parl. v. 462.
[3] Acts Privy Council, v. 186.
[4] Rot. Parl. v. 199.
[5] Ibid. v. 342.
[6] Dugdale's Chron. Series.

immediately turned Thorpe out of the office, and gave it to Richard Forde, the clerk of the Pipe. Thorpe was not a man to submit, and therefore obtained letters patent for his restoration from the king, who no doubt listened readily to the complaint of his own adherent against the encroachment of one whom he looked upon as little less than a rebel. Thorpe accordingly retook possession of the place, and would not give it up, as the petition with simplicity avers, "onlesse thenne he myght bene preferred to be third baron of the seid Eschequier." The dismissed remembrancer thereupon negotiated with William Fallan, then the third baron, whom he induced to resign by giving him a bond undertaking to pay him forty marks yearly for his life or till otherwise provided for.

The king of course made no difficulty in giving Thorpe his patent; and the date of his appointment may be fixed in the early part of 1453. There is little doubt that he held it when he was elected speaker of the House of Commons on March 8 of that year[1]; and it is certain that he did so in the following June; for his wife, who died on the 23rd of that month, is described on her tombstone in St. John Zaccharies, in London, as "Joanna, the wife of Thomas Thorp, one of the Barons of the Exchequer, and Speaker of the Parliament."[2]

The parliament was prorogued on July 2; and we find Baron Thorpe present at no less than five meetings of the king's council in that and the following months.[3] It was probably during those sittings that he was directed to seize "certeine harnesse and other habiliments of warre" which the Duke of York had collected at the Bishop of Durham's. For this act the duke brought an action against him in the Court of Exchequer, "for somuche that the same Thomas was oon of the Court," and obtained a verdict against him for

[1] Rot. Parl. v. 227.
[2] Weever, 391.
[3] Acts Privy Council, 152—331.

1000*l.* damages and 10*l.* costs. On this judgment he was cast into the Fleet Prison, and remained in custody when the parliament re-assembled on February 14, 1454.

The Commons then claimed their ancient privileges, and that in accordance with them their speaker should be liberated. But the duke, by his counsel, stating the fact of the seizure of the goods, — omitting, however, to mention what those goods were, — the Lords referred the question of the speaker's liberation to the judges. These learned persons, although they stated that they ought not to answer it, for the justices had never been used to determine the privileges of the high court of parliament, — adding, with humorous evasion, "for it is so high and mighty in his nature that it may make lawe, and that that is lawe it may make no lawe, and the determination and knowledge of that privilege belongeth to the Lordes of the Parliament and not to the Justices;" — yet honestly concluded by declaring that if any member were arrested except for treason or felony, or for surety of the peace, or for a condemnation had before the parliament, "it is used that all such persons be released of such arrests and make an attorney so that may have their freedom and liberty, freely to intend upon the parliament."[1] Fortescue was then the chief justice, but he merely spoke as the organ of his brethren.

The first part of this answer is precisely of the same character as that which the judges gave seven years afterwards, when they were called upon for their opinion on the claim of the Duke of York to the crown. They then stated that they had to determine such matters as came before them in the law between party and party, and that the matter in question was so high and above the law that it passed their learning; and that it pertained to the lords of the king's blood and the appanage of his land to meddle in such matters.[2] In both

[1] Rot. Parl. v. 239. [2] Ibid. 376.

cases it is evident that their answers were dictated by their fears and not by their conviction; and in the former it is curious that, while they disclaim the right to judge, they do actually determine the case before them by stating the custom which had been hitherto recognised.

The Lords, notwithstanding the opinion so explicitly given, decided in direct opposition to it; and no doubt influenced by the Duke of York, who was upon the eve of being appointed protector, adjudged that Thorpe should still remain in prison, "the privilege of Parliament, or that the same Thomas was the Speaker of the Parliament notwithstanding;" and they charged the Commons to proceed to a new election. The Commons quietly submitted to this iniquitous encroachment on a privilege founded on the justest principle, — the freedom of their own members; — a privilege totally different from the claim which was advanced a few years ago; in support of which this case was adduced in argument although it is palpably inapplicable.

The king recovered before the end of the year, when no doubt Thorpe was restored to liberty, since we find him receiving his salary as a baron on April 16, 1455.[1] He was also present at the first battle of St. Alban's on May 22 following; and he is said to have "fled and left his harness behind him cowardly."[2] We must recollect, however, that the encounter was rather a surprise than a battle, and that many others joined in the flight. In the parliament that met in July he was charged, with the Duke of Somerset and William Joseph, with suppressing two letters sent by the Duke of York and the Earls of Warwick and Salisbury to the chancellor and the king the day before the battle, whereby the bloody conflict was occasioned; and though the king was compelled to accept the excuses then made by the duke

[1] Devon's Issue Roll, 479.

[2] Archæol. xx. 526.

and the earls, and to approve them as true and faithful liegemen, he refused his assent to two bills aimed against Thorpe; the one to deprive him of all offices, and to condemn him to an imprisonment of twelve years, and a fine of 1000*l.*; and the other to restore all the officers of the Exchequer who had been removed, except Thorpe.[1]

That Thorpe was replaced in his seat there can be no doubt, as on the death of Gilbert Haltoft he was advanced to be second baron on November 30, 1458, 37 Henry VI.[2]; and he soon after received a grant of the reversion of the office of chancellor of the Exchequer on the death of Thomas Witham, which was excepted in the act of resumption passed in the parliament of November, 38 Henry VI.[3] His prosperity, however, was not to last long. The Earl of Warwick's invasion forced the king again into the field. The faithful baron was by his side and shared his fate in the battle of Northampton on July 10, 1460. He was at first confined in Newgate and then in the Marshalsea; and on February 17, 1461, the very day on which the queen gained the second battle of St. Alban's, he was beheaded in Haringey Park, in Middlesex.[4]

In his continued persecution by the Yorkists we not only see the inveteracy to which party spirit was then carried, but an evidence also that the baron was endowed with talents and courage which they felt it their interest to subdue; and we cannot but admire a man whose devotion and loyalty prompted him to quit a peaceful occupation to fight by his sovereign's side and to suffer in his cause. His history also affords a proof that a baron of the Exchequer was not then considered in the same light as the judges of the other courts; inasmuch as he was eligible to be a member of parliament.

[1] Rot. Parl. v. 280. 332. 339.
[2] Dugdale's Chron. Series.
[3] Rot. Parl. v. 366.
[4] Ibid. vi. 294.

His son Roger was another victim of the same party. Fighting on the king's behalf at Wakefield, he was proceeded against by one Thomas Colt, who was wounded there, for an assault in the battle; and upon this ridiculous charge he was condemned by default in damages of 2000*l.* For this he was imprisoned until he procured his liberation by a grant of the reversion of the manor of Colley Halle, and some messuages at Ilford, in Essex. Both the judgment and the grant were on Roger's petition declared void on the accession of Henry VII.[1]

TIRWHIT, ROBERT.

JUST. K. B. 1422.

See under the Reigns of Henry IV. and Henry V.

THE family of Tirwhit, or as it is now called Tyrwhitt, is a very ancient one, long seated at Kettleby, in the county of Lincoln. Robert Tirwhit was the son of Sir William Tirwhit of that place by the daughter and heir of . . . . Groval; and is mentioned as an advocate in Richard Bellewe's Reports of Cases decided in the Reign of Richard II. His legal attainments may be presumed from his being made one of the king's serjeants in the first year of the following reign; in the Year Books of which his arguments are of frequent occurrence. He is among those serjeants who in the fourth year were called on for loans to enable the king to resist the Welsh and the Scotch; and 100*l.* is set against his name.[2]

In 9 Henry IV., 1409, he was raised to the bench; and at the same time was permitted by a separate patent to receive recognitions wherever he might happen to be.[3] Dugdale, by mistaking the reading of the Liberate Roll, places him in the Common Pleas; but that this is an error may be seen in the

[1] Rot. Parl. vi. 294. Cal. Rot. Pat. 254.

[2] Acts Privy Council, i. 203.

first place by a letter from the king to the chancellor, dated May 9, 1409, in which he names a serjeant to supply the place of Robert Tirwhit, who he says is made one of the justices "de *nostre* Bank."[1] It is positively shown also in the patents above referred to, and in the Year Books of Easter, 12 Henry IV., and Michaelmas, 13 Henry IV.

A petition to parliament presented in the latter year, in which he is distinctly called a justice of the "Bank le roy," contains a curious illustration of the manners of the times, and shows somewhat of a violent disposition on the part of our judge. It appears that a suit had been instituted by him relative to the right of common of pasture, turbary, and estovers at Wraweby, to which the tenants of Lord William de Roos' manor of Melton Roos laid claim; that the decision of the question had been referred to Chief Justice Gascoigne, who had appointed the parties to meet on the spot with their evidences on a certain day, which in the record is called "a loveday;" and that instead of coming as agreed with a limited number of friends according to this decree, Tirwhit had assembled five hundred men "armed and arrayed ageyn the pees, to lygge in awayte for the same Lord the Roos, and there hym to harme and dishonure." On the reading of this petition the dismayed judge was obliged to humble himself before the king; and acknowledging that "he ne hath noght born hym as he sholde have doon," to offer to submit himself to the ordinance of any two lords the Lord of Roos would name of his kin. The matter by the king's desire was submitted to the Archbishop of Canterbury, and Lord de Grey the chamberlain; who awarded that the question of right of common should be decided by Chief Justice Gascoigne in the manner he had before prescribed; and that, as to the offence complained of, Robert Tirwhit

[1] Rymer, viii. 584.

should send two tons of Gascony wine to Melton Roos, and at a time appointed by Lord de Roos should "brynge to the same place two fatte oxen, and twelf fatte shepe, to be dispended on a dyner to hem that there schal be," and should then attend with "all the knightes, and esquiers, and yomen that had ledynge of men on his partie atte forsaid loveday," and should there rehearse a speech of apology, which is fully set forth, and concludes with these words: "Zet, for as myche I am a justice, that more than a comun man scholde have had me more discretly and peesfully, I knowe wele that I have failled and offende yow, my Lord the Roos, whereof I beseke yow of grace and mercy, and offre yow v c. mark to ben paied at youre will." This tempting offer, however, the Lord of Roos is to refuse, and "nothing take of the forsayd Robert but the forsayd wyn, oxen, and shepe, for the dyner of them that been there present;" and then he is to forgive the humiliated Robert and all his party.[1]

Tirwhit does not seem to have suffered from this disgrace; for we find him regularly pursuing his duties through the whole of the reign of Henry V., and up to the sixth year of Henry VI. In the latter year his death is noted in an order of council dated February 10, 1428, when another judge is put in his place at the Yorkshire assizes.[2]

He endowed a chantry at Glaumfordbrigg with two messuages there, and the whole of his manor of Wraby or Arche.[3]

His wife was a daughter of —— Kelke, of Kelke, in Yorkshire, by whom he left a son, Sir William, almost all of whose descendants were of knightly degree. One of them, Sir Philip, whose father had settled himself at Stainfield, in Lincolnshire, was among the first who were honoured by James I., in 1611, with the dignity of baronet. That

[1] Rot. Parl. iii. 649.
[2] Acts Privy Council, iii. 283.
[3] Cal. Inquis. p. m., iv. 301.

title became extinct in 1760; but a second baronetcy was granted in 1808 to another descendant, Thomas, of Stanley Hall, Shropshire, who had assumed the name of Jones. This still survives in the present baronet, who has restored his ancient surname.[1]

WARD, WILLIAM.

B. E. 1426.

WILLIAM WARD was an officer of the Exchequer, and in 1 Henry V., 1413, was appointed with John Thorlethorpe to audit the accounts of the receivers, &c. of the Duchy of Cornwall at a salary of five shillings a day to each.[2] In the first year of the following reign he was constituted king's remembrancer; and on May 26, 1426, 4 Henry VI., he became a baron of that court[3]; but how long he retained his seat on the bench does not appear.

WAYNFLETE, WILLIAM, BISHOP OF WINCHESTER.

CHANCELLOR, 1456.

THE practice which prevailed among those who were educated for the Church of changing their family name for that of their native place, of which we have recorded so many instances, was not yet discontinued; as we find from the history both of this distinguished prelate and of his brother John, who became Dean of Chichester. They were the sons of a gentleman who himself was known by two names, Patten and Barbour; a fact which is proved by undoubted documents, but is not explained by any of the biographers; who seem indeed to have obtained little authentic information as to the family.[4]

William Waynflete took his name from the market town

[1] Wotton's Baronetage, i. 178.; Burke's Peerage and Baronetage.

[2] Devon's Issue Roll, 333 [3] Cal. Rot. Pat. 269. 273.

[4] Dr. Chandler's Life of the Bishop is the authority on which I have principally relied; I have noted the sources from which I have taken other facts than those which he records.

in Lincolnshire so called, where he was born. His father was Richard Patten of that place; and his mother was Margery, the daughter of Sir William Brereton, possessing considerable property in Cheshire, who held the post of Governor of Caen, in Normandy, and greatly distinguished himself in the wars with France. This connection is sufficient to contradict the account that Richard Patten was an obscure person and pursued a mean occupation. That he bore the name of Barbour also appears from a formal declaration made by Juliana Churchstile, that she was the heir of the bishop, being "sole daughter of Robert Patten, brother and heir of Richard Patten, otherwise called Barbour, of Waynflete, father of the bishop." It will also be presently seen that the bishop himself at first used the name of Barbour.

Richard Patten, besides his two sons William and John, is said to have had a third, named Richard, who settled at Boslow, in Derbyshire, and was the progenitor of the respectable line of the Patten family, which, removing into Lancashire, is now represented by John Wilson-Patten, Esq., of Bank Hall, one of the representatives of that county in parliament. According to his pedigree, the family is as old as the conquest, was settled in Essex in 1119, removed to Waynflete, in Lincolnshire, in the reign of Edward III.; and the prelate's father was the third in succession of those who lived there.[1] But Doctor Chandler gives several reasons for doubting whether this Richard was a brother of William and John.

The date of our prelate's birth is not known. After receiving the rudiments of his education in Lincolnshire, he went to Wykeham's school at Winchester, and thence proceeded to Oxford; but to what college there is uncertain. Merton and New College have been both mentioned; and

[1] Burke's Landed Gentry, 1010.

though his name does not appear on the books of either, the evidence seems most in favour of the latter. There can be little difficulty in believing, from his subsequent career, that his studies at the university were pursued with unremitting diligence, and that he acquired very considerable literary attainments.

We now come to the period when he first assumed the name by which he was ever afterwards known. In April, 1420, *William Barbor* is recorded in the Lincoln Registry as one of the unbeneficed acolytes; and in January of the following year, 1420–1, it is stated that "*William Barbor* became a subdeacon by the style of *William Waynflete*, of Spalding." In the following March[1] he was ordained deacon by the latter name; and in January, 1426, presbyter, on the title of the house of Spalding. He is stated to have been the elder brother of John; and it is curious that, if this were so, the latter should have obtained the Deanery of Chichester, to which he was appointed in 1425, before his brother had commenced priest. There may be some error as to the one or the other date.

It was not long before he attracted the notice of Robert Fitz-Hugh, then Archdeacon of Northampton, in the same diocese, and afterwards Bishop of London; for when that learned divine was appointed to go on a mission to Rome, "William Waynflete in legibus bacallarius" was one of those designed to accompany him; and his letter of protection, which was to last for one year, was dated July 15, 1429.[2] In the same year, his talents and acquirements, and the excellence of his character, had pointed him out as the successor of Thomas Alwin, in whose place he was appointed to the responsible station of master of Wykeham's

[1] I think the date 1420 here is a mistake for 1426: compare Chandler's Life, p. 11. with p. 52.

[2] Acts Privy Council, iii. 347

school at Winchester, the scene of his early education. Several ecclesiastical preferments have been appropriated to him about this time; but there is considerable doubt whether he held any of them, as the name of Waynflete was not of uncommon occurrence; and some with his christian name are clearly shown to have been different persons. It is certain, however, that Cardinal Beaufort conferred upon him the mastership and chantry of the hospital of St. Mary Magdalen, about a mile from Winchester. The date of his admission is lost; but he was in possession in 1438, and continued to enjoy it till he himself was raised to the see.

When Waynflete had filled the office of master of Winchester school for about eleven years, and had acquired a high reputation for the diligence, judgment, and success with which he had performed his duties, King Henry, who had begun to found Eton College on the same model, paid a visit to Winchester for the purpose of personally inspecting the system. So satisfied was he with his examination that he resolved to give the mastership of his new school to Waynflete; who accordingly removed there in 1442, with five of the fellows, and thirty-five of the scholars of Winchester, to commence the seminary. On December 21, 1443, he was promoted to be Provost of Eton.

The king regarded him with such especial favour, that on the very day of his uncle Cardinal Beaufort's death, on April 11, 1447, he wrote to the church at Winchester to proceed immediately to a new election, with an urgent recommendation of his "right trusty and well-beloved clerc and concelloure, Maister William Waynflete," for their bishop: and on the same day he granted Waynflete the custody of the temporalities of the see. The pope's confirmation was given without delay, and the king himself honoured the new prelate's enthronisation with his presence on August 30, 1448.

In the contentions which then agitated England the bishop had a difficult course to steer; but while his devotion to his sovereign, to whom he was bound by the ties of loyalty and gratitude, was always firmly exhibited when his counsels were called for in allaying the storms created by the insurrection of Jack Cade, the loss of the French acquisitions, and the first rising of Richard, Duke of York, his mildness and prudent conduct secured him from that inveterate enmity which followed others who took so decided a part. Even after the first battle of St. Alban's in 1455, and the assumption of power by the duke, apparently confirmed as it was by the growing imbecility of the king, the bishop remained unmolested; and when, on the king's recovery, the energetic conduct of the queen had for a time restored the royal ascendancy, he was selected for the then onerous post of chancellor in the place of Bourchier, Archbishop of Canterbury, whose ministry was deemed of too time-serving a character. The Great Seal was placed in his hands on October 11, 1456[1]; and he held it for nearly four years, — a disastrous period during which, though he at first effected a temporary accommodation between the contending parties, the country was distracted with the horrors of civil war, and it was soon evident that the contest could not be terminated but by the absolute ruin of one or the other. Disheartened at last by the reverses of the field, in perpetual anxiety by the doubtful event of each successive conflict, probably feeling that his services were misapplied in so bloody a controversy, and perhaps dissenting from the violent measures of his party, he resolved to retire. Accordingly, on July 7, 1460, three days before the battle of Northampton, so fatal to the Lancastrians, he surrendered the Seal of the kingdom in the king's tent on the field. The same day a full pardon was granted

[1] Rot. Claus. 35 Hen. VI., m. 10.

to him for all offences which he might have previously committed; and the pious king, though defeated and a prisoner, cleared him from any imputation of disloyalty or lukewarmness in an affecting letter which he wrote to the pope in the following November, bearing "ample testimony to the bishop's innocence, his meritorious services, and unblemished reputation."

During this anxious period his friend Sir John Fastolf died, leaving him one of his executors. The Paston Correspondence contains his instructions as to the execution of the will, which show that he was a man of business, and of a pious and liberal mind.[1]

That King Edward duly appreciated the merits of Bishop Waynflete, and did not treat him with any harshness in consequence of his attachment to the fallen Henry, appears from the bishop's being appointed a trier of petitions in the first parliament of that reign[2], and from the just decision made by the king in that parliament against the claims which had been raised by some of the bishop's tenants in Hampshire. These acts were followed by others of an equally generous character; till at last, in the eighth year of the reign, February 1, 1469, a full pardon was granted to him, with an introduction declaring his manifest good deserts, and that the king had admitted him into his special favour. Whatever part the bishop took in the following year, when King Henry was for a while restored, of which we have no clear account, it was overlooked by Edward on regaining the throne; and a new pardon released the bishop from any fears he might have entertained. During the remainder of Edward's reign, though he received frequent tokens of the king's good will towards him, he continued to enjoy the regard of the Lancastrian party; owing both to the mild virtues of his character,

[1] Paston Letters (1840), i. 102.

[2] Rot. Parl. v. 461.

and the absence of intemperance on the one side and of servility on the other.

Shortly after the usurpation of Richard III., and before the murder of the princes in the Tower, Bishop Waynflete was obliged to assist in the reception of the king at Oxford, where the royal condescension and generosity seem to have made a favourable impression. It may be presumed, however, that the bishop, although the college which he founded was benefited by some royal grants, was no friend to the character of the usurper; and that he rejoiced greatly at the triumph of the Lancastrians in the accession of their representative. Henry VII. at once showed his regard to the prelate by confirming all the gifts which had been conferred on his college.

Of that college, where, after an interval of more than three centuries, his memory still survives and his virtues still are celebrated, it would be out of place to attempt more than a short account. So early was Waynflete impressed with the low state of learning at the universities, that he had no sooner been invested with the mitre than he commenced his exertions to improve the condition of indigent students. He obtained a royal licence on May 6, 1448, to found a hall at Oxford for the study of divinity and philosophy; and he lost no time in procuring adequate premises within the city, including Bostar Hall and Hare Hall, which he united under the name of St. Mary Magdalen Hall; of which the first president received possession on August 29 in the same year. Besides this officer, the foundation was to consist of fifty poor scholars, graduates, with a power to augment or diminish their numbers; and they had the right to use a common seal. The means of the hall were afterwards considerably increased by several royal and private benefactions. With these the bishop was about to enlarge the site of his establishment, when he obtained the king's consent, on July 18, 1456, to convert the hall into a college. For this purpose he purchased

the hospital of St. John the Baptist, without the eastern gate of the city, where the college is now situate. Its conversion and the erection of the new buildings were long retarded by the public distractions; but when tranquillity was restored he proceeded diligently in his work, receiving numerous donations of valuable endowments, which were made from the respect in which he was held, and the high admiration which his pious efforts awakened.

The society consisted of a president; forty scholars, clerks; thirty scholars, called demys; four presbyters, chaplains; eight clerks, and sixteen choristers. A school was attached, with a master and an assistant usher.

The edifice is one of the principal ornaments of the university, and is a lasting memorial of the taste as well as the munificence of the founder, who spared no expense in its erection. He lived to see the whole completed, and to find that the statutes he had prepared for its regulation practically answered the purposes he contemplated.

With the same desire of encouraging learning and piety in his native town, he erected there a school and chapel of handsome construction, which he also dedicated to St. Mary Magdalen, with a liberal endowment to the master.

The last scene of the venerable prelate's useful life was now approaching, and he piously prepared for its termination. His will was dated April 27, and he died on August 11, 1486, of a disease which, after a life of uninterrupted health, suddenly attacked him. He was buried at Winchester in a magnificent mausoleum which he had provided in his lifetime. It is difficult to speak too highly of his character, as there is scarcely a virtue which has not been attributed to him.

WELLS, Deans of. *See* Henry Beaufort; J. Stafford.

WESTBURY, WILLIAM.

JUST. K. B. 1426.

IT seems probable that William Westbury came from Westbury, in Wiltshire, as he endowed a chantry there with lands in that place; and possessed the manors of Bores and Lady Court and other property in that county; besides the manors of Berkeley and Fayreoke with large estates in Somersetshire.[1] He was one of those who refused a serjeant's coif, and was called before the parliament and compelled to take it in Trinity Term, 5 Henry V., 1417.[2] For ten years previous to this he had been a practiser in the courts, the Year Books frequently naming him from 8 Henry IV., 1406; and in another ten years he was raised to the bench. Dugdale places him in both courts on the same day, February 6, 1426, 4 Henry VI.: but this is clearly a mistake, as there is no evidence whatever of his belonging to the Common Pleas; and he is universally called, when named at all, a judge of the King's Bench. He in the same year had a licence to take recognitions wherever he might be.[3]

In consequence of riots in Norwich and Norfolk in 21 Henry VI., Sir John Fortescue the chief justice and he were sent there to try the delinquents. They made their report to the council on March 13, 1443; and in the following May Westbury received 10*l.* for his services.[4] He continued on the bench certainly till the twenty-third year of the reign, as he was one of the triers of petitions in the parliament of February 25, 1445. There is no judicial mention made of him after that date, but he did not die till 28 Henry VI.; when he is described as "William Westbury, senior."[5] The William Westbury who succeeded Bishop Waynflete in 1448 was probably his son.[6]

[1] Cal. Inquis. p. m., iv. 241. 303.
[2] Rot. Parl. iv. 107.
[3] Cal. Rot. Pat. 273.
[4] Acts Privy Council, v. 247. 268.
[5] Inquis. ut suprà.
[6] Cal. Rot. Pat. 291.

WESTWODE, ROGER.

B. E. 1422.

See under the Reigns of Henry IV. and Henry V.

Of Roger Westwode, as of too many of the barons of the Exchequer at this period, nothing is known except his elevation to the bench of that court. This occurred on March 1, 1403, 4 Henry IV.; and he was re-appointed at the commencement of the two next reigns. The only particularity is, that he was at once made second baron, which evidences that he was a man of some eminence in that department.

WINCHESTER, Bishops of. *See* H. Beaufort; W. Waynflete.

WORCESTER, Bishop of. *See* T. Bourchier.

YELVERTON, WILLIAM.

Just. K. B. 1444.

See under the Reign of Edward IV.

YORK, Archbishops of. *See* J. Kempe; G. Nevill.

YORK, Dean of. *See* T. Langley.

YOUNG, THOMAS.

Just. C. P. 1471.

See under the Reign of Edward IV.

EDWARD IV.

Reigned 22 years, 1 month, and 5 days; from March 4, 1461, to April 9, 1483.

SURVEY OF THE REIGN.

ALTHOUGH the judges were appointed during the royal pleasure, the peculiar circumstances under which Edward IV. ascended the throne would naturally prevent him, notwithstanding the violent spirit of party which then prevailed, from making more changes in the administration of the law than he could help. Accordingly we find that all the judges received new patents except the chiefs of the two benches; and the discharge of these, certainly in one case and probably in the other, was an act of necessity; Sir John Fortescue, chief justice of the King's Bench, even if he had not too far compromised himself to be reinstated, having in fact virtually resigned by flying with King Henry; and Sir John Prisot either died about the time, or voluntarily retired, as nothing whatever is recorded concerning him which could have excited Edward's displeasure.

CHANCELLORS AND KEEPERS.

GEORGE NEVILLE, Bishop of Exeter, who had been chancellor for nearly a year under Henry VI., was of course continued in the office as one of Edward's most strenuous partisans; and having been raised to the Archbishoprick of York, he retained the Seal till the influence of his brother,

the Earl of Warwick, was on the wane. It was taken away from him on June 8, 1467.

On two occasions when he was absent from court on public business the Seal was deposited with the master of the Rolls, ROBERT KIRKHAM; in the first instance from August 23 to October 25, 1463[1]; and in the next from April 10 to May 19, 1464.[2]

ROBERT KIRKHAM also, on the removal of Archbishop Neville, received the Great Seal on June 9, 1467; but was only allowed to use it in the presence of the Earl of Essex, Lord Hastings, Sir John Fogge, and Sir John Scotte, to one of whom it was to be delivered every night. He so held it for eleven days; and several bills are extant addressed to him as keeper.[3]

ROBERT STILLINGTON, Bishop of Bath and Wells, was then appointed chancellor on June 20, 1467.[4] In the absence of the bishop from March 6 to May 12, 1470, the Seal was placed in the possession of RICHARD FRYSTON, one of the masters in Chancery, for the purpose of conducting the business of the court[5]; and during that period bills in Chancery were addressed to him as keeper.[6]

When Henry VI. was restored in October of that year, Archbishop Neville, as we have seen, is named as his chancellor; but we have no account of the Great Seal, none of the entries with regard to it being preserved. At the end of King Henry's few short months of renewed power Bishop Stillington resumed his post, and continued in it till ill-health prevented him from performing its duties. The first notice of his failure was on September 20, 1472, when the Seal was placed in the hands of

[1] Rot. Claus. 3 Edw. IV., m. 3.
[2] Ibid. 4 Edw. IV., m. 9.
[3] Fifth Report, Pub. Rec., Appx. ii. 39.
[4] Ibid. 7 Edw. IV., m. 12.
[5] Ibid. 10 Edw. IV., m. 11.
[6] Introduction to Proceedings in Chancery, temp. Elizabeth, vol. i.

JOHN ALCOCK, Bishop of Rochester, the late master of the Rolls, who was to act till the recovery of the chancellor, and to whom bills in Chancery were addressed by the title of keeper.[1] He opened the parliament for Bishop Stillington in October, 1472, and prorogued it in November.

How long Bishop Stillington remained ill at that time does not appear; but we find him in his place in parliament in the following April. He however relapsed in June, on the 8th of which month he finally, by command of the king, gave up the Seal.

JOHN MORTON, the master of the Rolls, then took it to the king at Coventry on June 18, and kept it for five days afterwards, with orders to seal what was necessary.

HENRY BOURCHIER, Earl of Essex, received it from Morton by the king's order on June 23, and retained it for the whole of Trinity Term; during which several of the bills filed in the court were addressed to him as keeper. He delivered it back to

JOHN MORTON on July 17; who kept it in his custody for ten days.

LAWRENCE BOOTH, Bishop of Durham, was then constituted chancellor, receiving the Seal on July 27, 1473.[2] No record has been found of his removal from the office: but while the Rolls of parliament prove that it must have occurred between February 1 and May 28, 1474, a prorogation having been declared by him as chancellor on the former day, and by Thomas Rotherham, Bishop of Lincoln, on the latter[3], the writs of Privy Seal enable us to fix the precise time of the change; many of these being addressed to the Bishop of Durham up to May 24, and the first to the Bishop of Lincoln being dated on the following day.[4]

[1] Introduction to Proceedings in Chancery, temp. Elizabeth, vol. i.; Rot. Claus. 12 Edw. IV., m. 16.

[2] Rot. Claus. 13 Edw. IV., m. 11. [3] Rot. Parl. vi. 99. 104.

[4] I am indebted for this, as for much more, information, to Mr. T. Duffus

THOMAS ROTHERAM, Bishop of Lincoln, then evidently received the Great Seal either on May 24 or 25, 1474, 14 Edward IV. That he retained the title of chancellor, and performed its most important functions till the end of the reign, there can be no doubt. But there is some indication in the fourteenth year, and certain evidence in the fifteenth, that there were TWO CHANCELLORS at the same time.

Mr. Thomas Duffus Hardy, although his Catalogue does not point out this fact, is the first who notices that JOHN ALCOCK, Bishop of Rochester, acted as chancellor between April 27 and September 28, 1475. As no evidence of this was to be found in Rymer's Fœdera, but on the contrary as that collection contains two documents dated June 1 and August 13 [1] in the intervening period, in both of which the Bishop of Lincoln is styled chancellor; and as there is a confirmatory letter in the Paston Correspondence, dated at Calais on June 13, 1475, describing that prelate as then chancellor [2]; Mr. Hardy's statement appeared to be substantially contradicted. But knowing how diligent and careful that gentleman is in his enquiries, and feeling that his as well as my anxiety was simply to ascertain the truth, I stated to him the evidence I had found. His ready reply obligingly supplied me with the following particulars as to both the fourteenth and fifteenth years.

On October 3, 1474, 14 Edward IV. (little more than four months after Rotheram's appointment), there are two writs of Privy Seal directing the chancellor to prepare letters patent granting to four persons the right of presentation to the next vacant prebend in St. George's chapel at Windsor. They are precise copies of each other, except that one is addressed

Hardy; who has suffered, as the most cautious occasionally must, from a typographical error, substituting (Catal. p. 55. note 1.) the date 25 Feb. 1475, for 25 May, 1474, as he finds it in his MS.

[1] Rymer, xii. 6. 14.

[2] Paston Letters, ii.

to Thomas, Bishop of Lincoln, "our chancellor;" and the other to John, Bishop of Rochester, "our chancellor." It would appear by the memorandum of delivery that the Bishop of Rochester's was the first made out; but that being found to be directed to the wrong person, a new one of the same date was prepared and delivered to the Bishop of Lincoln on a subsequent day. The only explanation that suggests itself for the mistake of the keeper of the Privy Seal, is that Bishop Alcock was probably then, as he had been in a previous year, acting for the chancellor, and had at the time the actual possession of the Great Seal for that purpose. Bishop Rotheram, however, was certainly then the sole chancellor; and in that character dissolved the parliament on March 14, 1475.[1]

With reference to the Bishop of Rochester acting as chancellor from April 27 to September 28, 1475, Mr. Hardy informs me that there are between one and two hundred writs of Privy Seal between those dates; and he has kindly furnished me with notes of many of them, in all of which that prelate is styled "our chancellor." During the same interval, also, there are many others addressed to the Bishop of Lincoln, "our chancellor;" some dated on the same day and from the same place as those addressed to the Bishop of Rochester. This, with the evidence I have already given from Rymer's Fœdera and the Paston Letters, plainly proves that both the bishops were distinguished with the title, not as opponents, but as executors of the office in different places. The explanation appears to be this. The preparations which King Edward had been long making for the invasion of France were at last completed. His chancellor Rotheram, Bishop of Lincoln, being required to attend him, it became necessary to provide that the business of the Chancery

[1] Rot. Parl. vi. 153.

should not be neglected during the expedition. The Seal to be used in England was accordingly placed in Bishop Alcock's hands, probably on April 27. It had been customary on these occasions in former reigns to appoint a temporary keeper of the Seal; but now, perhaps because Bishop Alcock was a favourite whom the king wished to honour with a higher designation, the unusual course was adopted of appointing him chancellor without superseding Bishop Rotheram; and several bills are addressed to him with that title on the Rolls of the court.[1] The voyage was delayed from various causes; and the king did not reach Canterbury on his progress till June 7, where we find him issuing writs of Privy Seal to both his chancellors. He arrived at Calais on July 6; and Bishop Rotheram, "our chancellor," was with him near Peronne on August 13, when he opened the negotiations which terminated in the discreditable peace by which Edward made himself a pensioner of the French king.

September 28, 1475, being the date of the last writ of Privy Seal addressed to the Bishop of Rochester, may be considered the termination of this double chancellorship, and the period of the Bishop of Lincoln's return to England; after which the latter presided in the Chancery till the death of the king on April 9, 1483; having been raised in 1480 to the Archbishoprick of York.

The most curious legal incident of this reign is this existence of two chancellors at the same time, recognised by royal authority, and acting for many weeks in the same kingdom. Of this we have no previous example nor subsequent instance; but in the question which at present perplexes lawyers, as well as ministers of state, as to the most expedient division of the laborious duties now devolving on

[1] Fifth Report, Pub. Rec., Appx. ii. 39.

the keeper of the Seals, who can tell whether this discovery of an ancient authority may not suggest the division of the title between two possessors, in the same manner that two chief justices were formerly substituted for one chief justiciary?

Including these two, there were five chancellors during this reign, all of them bishops. Rotheram held the office for nearly nine years, a longer period than any of the others enjoyed it. The intervals between the appointments of these chancellors amounted in the aggregate to only two months, during which the Seals were held by three keepers; two of whom, Kirkham and Morton, were masters of the Rolls, and one only a layman, Henry Bourchier, Earl of Essex. Three keepers also held the Seal during the chancellor's temporary absences and illness; one of whom, Kirkham, was master of the Rolls; another, Bishop Alcock, had been in the same office; and the third, Richard Fryston, was one of the senior masters in Chancery; all of the keepers, therefore, with the exception of the earl, being experienced in the practice of the court.

The jurisdiction of the Chancery seems to have been established during this reign on a more systematic footing. The patent by which Robert Kirkham was appointed keeper in 7 Henry VI. is much more specific in its language than those which had been usually issued; and contains a passage which recognises the practice of calling for the assistance of the Common Law judges in cases of difficulty. "And, over this, the king willed and commanded, ther and than, that all manere of maters to be examyned and discussed in his Court of Chauncery, shulde be directed and determined according to Equite and Conscience, and to the old cours and laudable custume of the same court; so that if in any such maters any difficultie or question in the lawe happen to ryse, that then he therein take th' advis and counsel of summe of the kynge's

justices, so that right and justice may be duely ministred to every man."

Masters of the Rolls.

There were five masters of the Rolls during this reign, all of them ecclesiastics, and some of them previously masters in Chancery.

Thomas Kirkeby, who held the office under Henry VI., was not removed from it on the intrusion of Edward IV. He retained his place, however, only for nine months.

Robert Kirkham succeeded on December 23, 1461[1], and was in office at the restoration of Henry VI. in October, 1470. His death probably occurred before Edward's resumption of the crown; as on February 12, 1471, King Henry appointed William Morland his successor, who was removed on Edward's return; and

John Alcock (eventually Bishop of Ely) received the appointment on April 29, 1471.[2] He resigned it within a year, when he was made Bishop of Rochester.

John Morton, afterwards Archbishop of Canterbury, succeeded him on March 16, 1472.[3] He retired on January 9, 1479[4], after he had become Bishop of Ely; and

Robert Morton, his nephew, who had received a grant of the office in reversion on May 30, 1477[5], was then admitted by a new patent, and retained the place till the king's death.

The grants to Robert Kirkham, John Morton, and Robert Morton are for life; those to Thomas Kirkeby and John Alcock are during pleasure. All of them include the grant of the House (or, as it is sometimes called, the Hospital) of

[1] Rot. Pat. 1 Edw. IV., p. 3. m. 15.
[2] Ibid. 11 Edw. IV., p. 1. m. 24.
[3] Ibid. 12 Edw. IV., p. 1. m. 15.
[4] Ibid. 1 Hen. VIII., p. 4. m. 3.
[5] Ibid. 17 Edw. IV., p. 2. m. 12.

Converts "pro habitatione;" with respect to which John Morton, three years after his appointment, in a renewal of his patent, obtained the introduction of a power to nominate a sufficient deputy or deputies[1]; probably doubting whether under the old form he could reside in any other place.

MASTERS IN CHANCERY.

THE masters in Chancery in the reign of Henry VI. who acted under Edward IV. were—

Thomas Kirkeby, M. R.	1	Edw. IV.
John Faukes	1 to 7	—
Richard Wetton	1 to 3	—
John Bate	1 to 3	—
Richard Fryston	1 to 12	—
Robert Kirkham, (M. R. 1 Edw. IV.)	1 to 10	—
John Chamberleyn	1 to 7	—
John Pemberton	1 to 7	—

The following occur in this reign—

William Swerendon	1	—
Henry Sharpe	1 to 17	—
William Morland (M. R. 49 Hen. VI.)	3 to 23	—
William Bolton	3 to 23	—
Thomas Westhorp	3	—
John Morton, M. R.	12 to 18	—
John Gunthorp, Dean of Wells	12 to 23	—
John Davyson	12	—
Richard Martyn, Archdeacon of London	12 to 17	—
Richard Woodward	12	—
Robert Morton, M. R.	18 to 23	—
John Brown	22–23	—
William Kelet	22–23	—

In the first parliament of this reign an attempt was made to transfer the power of paying the judges, barons, king's serjeants and attorney to the parliament; but the king, showing a very early jealousy of any diminution of the royal prerogative, refused his assent to this arrangement, declaring

[1] Rot. Pat. 15 Edw. IV., p. 1. m. 9.

that "it is necessary that they be truly paid, but that it be at the king's pleasure."[1]

The salaries and extra grants were the same as before; and instead of the robes formerly given from the king's wardrobe, the money payment, as regulated in 18 Henry VI., was specially introduced into the grant; viz., 106*s.* 11¾*d.* and the sixth of a halfpenny for the winter robe, and 63*s.* 6*d.* for the summer robe.

King Edward is said to have sat in the Court of King's Bench for three days together, in Michaelmas Term, in his second year, in order that he might understand how the laws were administered and executed.[2] In the fourth year we find from the Year Book that the two chief justices were attending him in the north, and absent from their courts on that account during the whole of Easter Term; and that the following Trinity Term was adjourned in consequence of a pestilence which then raged, and which was fatal to Serjeant Grenefield. The same authority states that Trinity Term, 21 Edward IV., was not held on account of the war against Scotland; and by a writ dated June 22, 1481, it was adjourned to Michaelmas Term.[3]

Chief Justices of the King's Bench.

To fill up the vacancy in the office of chief justice of the King's Bench, occasioned by Sir John Fortescue's having joined King Henry in his flight,

John Markham, one of the other judges of the court, was raised to the office on May 13, 1461. He presided in it for nearly eight years; and on his removal,

Thomas Billing, who had sat in the court as a puisne judge for nearly five years, was appointed on January 23, 1469, 8 Edward IV. He died in the office, and

[1] Rot. Parl. v. 490.
[2] Ireland's Inns of Court, 234.
[3] Rymer, xii. 141.

WILLIAM HUSEE, the attorney-general, was raised to it on May 7, 1481, 21 Edward IV., and retained his seat during the remainder of the reign.

JUDGES OF THE KING'S BENCH.

AT the end of the last reign there were three puisne judges of this court. The second of them, John Markham, having been made chief justice in the room of Sir John Fortescue, the two others were re-appointed by Edward IV.; and for nearly the first four years of the reign they continued to act without any change. They were —

I. 1461. March. William Yelverton,
Richard Bingham.

IV. 1464. Aug. 9. Thomas Billing.

V. 1465. June 4. William Laken.

X. 1470. Oct. 9. } The judges of the King's Bench at this time,
XLIX. Hen. VI. } the date of king Henry's restoration, were
Thomas Billing, chief justice,
Richard Bingham, William Yelverton,
William Laken,
who were all re-appointed, with the addition of Richard Neele. On King Edward's return William Yelverton and Richard Neele were omitted in the new patents for this court; but Neele had a patent as judge of the Common Pleas; and

XI. 1471. June 17. John Needham, Just. C. P., was removed into this court.

XV. 1475. April 29. Thomas Yonge.

XVII. 1477. Guy Fairfax.

XXI. 1481.[1] William Jenney.

The number of judges of the King's Bench during this reign were usually three, sometimes four, and for a short period five. At the death of Edward IV. on April 9, 1483, there were only three, viz.,
William Husee, chief justice,
Guy Fairfax, William Jenney.

[1] I have stated my reasons for differing with Dugdale as to the date of W. Jenney's appointment in the Life of that judge, under the reign of Richard III.

Chief Justices of the Common Pleas.

Whether the non-appointment of Sir John Prisot, who was chief justice of the Common Pleas at the deposition of King Henry, arose from his death or any other cause does not appear; but

Sir Robert Danby, who had been one of the judges of this court for nine years of the last reign, was appointed chief justice on May 11, 1461, by Edward IV.[1] He retained his seat till the resumption of the throne by Henry VI. in October, 1470; but, on the ultimate defeat of that unfortunate king, was not again nominated.

Thomas Brian was raised to the head of this court on May 29, 1471, 11 Edward IV., immediately after the king's return, and presided in it till the end of the reign.

Judges of the Common Pleas.

Of the six puisne judges of the Common Pleas at the deposition of Henry VI., Sir Robert Danby was raised to the chief seat in the place of Sir John Prisot; and the others were re-appointed: viz.—

I. 1461.	March.	Nicholas Ayshton, Peter Arderne, Ch. B. E., Robert Danvers, Walter Moyle, and John Needham.
	Sept. 5.	Richard Choke.
VI. 1466.	April 17.	Thomas Lyttelton, vice N. Ayshton.
VII. 1467.	Nov. 4.	Thomas Yonge, vice R. Danvers.
X. 1470. Oct. 9. XLIX. Hen. VI.		At this the date of the restoration of Hen. VI., the judges of this court were

[1] Dugdale erroneously introduces Richard Choke as chief justice on September 5, 1461, 1 Edw. IV.; when in fact his patent of that date only makes him "one of the justices" of that court.

Robert Danby, chief justice,
John Needham, Walter Moyle,
Richard Choke, Thomas Lyttelton,
Thomas Yonge,

to all of whom the restored king gave new patents. On Edward's resumption of the crown,

Thomas Brian was made chief justice in the place of Robert Danby.

John Needham was removed into the King's Bench.

Walter Moyle was not re-appointed.

Thomas Yonge was set aside for about four years, when he was made a judge of the King's Bench; but

Richard Choke and Thomas Lyttelton } resumed their places in this court; and

XI. 1471. May 29. Richard Neele, Just. K. B., changed from that court to this, vice J. Needham.

XXI. 1481. Nov. 20. John Catesby, vice T. Lyttelton.

There were six judges of this court at the commencement of the reign, who were shortly increased to seven. At its conclusion, however, there were only the following four:

Thomas Brian, chief justice,
Richard Choke, Richard Neele,
John Catesby.

The junction of the two offices of chief baron of the Exchequer and justice of the Common Pleas, which had lately prevailed, was discontinued in the person of Peter Arderne, who in the second year of the reign resigned the former office, but retained the latter for some time afterwards. None of the other chief barons of this reign sat on the bench of this court.

CHIEF BARONS OF THE EXCHEQUER.

SIR PETER ARDERNE, the chief baron of the last reign, was re-appointed at the beginning of this; being also continued in the additional office of judge of the Common Pleas. In the following year these two places were again divided; and, Sir Peter retaining the judgeship,

SIR RICHARD ILLINGWORTH was constituted chief baron

on September 10, 1462[1]; and still presided in the court at the restoration of Henry VI., who re-appointed him. On the return of Edward, however, he was removed to make way for one whom the king was desirous of rewarding for essential services rendered to him at that critical period; viz.,

Sir Thomas Urswyke, the recorder, who received his patent on May 22, 1471, 11 Edward IV., and presided in the court till his death.

Sir William Nottingham succeeded on April 3, 1479, 19 Edward IV., retaining the office till the end of the reign in 1483, which was also the close of his own life.

Barons of the Exchequer.

I. 1461. John Clerke, second baron,
Brian Roucliffe, third baron,
John Durem,
The barons at the end of the last reign, were all re-appointed.

II. 1462. Nov. 4. John Ingoldesby.

VII. 1467. Sept. 29. Ralph Wolseley, vice J. Ingoldesby.

Oct. 30. Nicholas Statham received a grant of the office of second baron in reversion on the death of John Clerke; but whether he survived him does not appear.

VIII. 1468. Nov. 22. John Ingoldesby also received a grant of the office of baron in reversion on the death of any one of the barons.

X. 1470. June 14. John Ingoldesby, vice R. Wolseley.

Oct. 9. } On king Henry's restoration the barons of
XLIX. Henry VI. } the Exchequer were,
Richard Illingworth, chief baron,
John Clerke, Brian Roucliffe,
John Durem, John Ingoldesby.
All these, except John Ingoldesby, were retained in their offices. King Edward on his return substituted, as we have seen, in the office of chief baron,
Thomas Urswyke for Richard Illingworth.
John Durem was removed; but

[1] Rot. Parl. v. 528.

John Clerke and Brian Roucliffe } were both re-appointed.

XVIII. 1478. March 8. Ralph Wolseley, fourth baron.

XX. 1481. Feb. 3. Thomas Whitington, second baron.

The barons of the Exchequer during this reign never exceeded five; but were more usually four, which was their number at the end: viz.,

William Nottingham, chief baron, if alive,
Thomas Whitington, Brian Roucliffe,
Ralph Wolseley.

Table of the Chancellors and Keepers of the Seal, and of Masters of the Rolls.

A. R.	A. D.	Lord Chancellors and Keepers.	Masters of the Rolls.
1	1461, March	George Neville, Bishop of Exeter, afterwards Archbishop of York	Thomas Kirkeby.
	Dec. 23	—	Robert Kirkham.
7	1467, June 9	Robert Kirkham, M. R., *Keeper*	—
	20	Robert Stillington, Bishop of Bath and Wells	—
	1470, Oct.	Henry VI. restored	—
11	1471, April	Edward IV. resumed the throne Bishop Stillington, still Chancellor	
	29	—	John Alcock, afterwards Bishop of Rochester and Ely.
12	1472, March 16	—	John Morton, afterwards Archbishop of Canterbury.
13	1473, June 8	John Morton, M. R., *Keeper*	—
	23	Henry Bourchier, Earl of Essex, *Keeper*	—
	July 17	John Morton, M. R., *Keeper*	—
	27	Laurence Booth, Bishop of Durham, afterwards Archbishop of York	—
14	1474, May 25	Thomas Rotheram, Bishop of Lincoln, afterwards Archbishop of York	—
15	1475, April 27 Sept. 28	John Alcock, Bishop of Rochester, was *also* called Chancellor between these dates: after which	—
		Bishop Rotheram was sole Chancellor	—
18	1479, Jan. 9	—	Robert Morton, afterwards Bishop of Worcester.

Table of the Chief Justices and Justices of the King's Bench.

A. R.	A. D.	Chief Justices.	Justices of the King's Bench.			
1	1461,	John Markham	William Yelverton	Richard Bingham.	Thomas Billing.	William Laken.
4	1464, Aug. 9	—	—	—	—	—
5	1465, June 4	—	—	—		
8	1469, Jan. 23	Thomas Billing	—	—		
			Interregnum of Henry VI.			
11	1471, June 17	—	John Needham	—		—
15	1475, April 29	—	—	Thomas Yonge		—
17	1477,	—	—	Guy Fairfax		
21	1481, May 7	William Husee	William Jenney	—		

Table of the Chief Justices and Justices of the Common Pleas.

A. R.	A. D.	Chief Justices.	Justices of the Common Pleas.					
1	1461, Sept. 5	Robert Danby	Nicholas Ayshtone	Peter Arderne	Robert Danvers	Walter Moyle	John Needham.	Richard Choke.
6	1466, April 17	—	Thomas Lyttelton	—	—	—	—	—
	1467, Nov. 4	—	—		Thomas Yonge	—	—	—
			Interregnum of Henry VI.					
11	1471, May 29	Thomas Brian	—				Richard Neele	—
21	1481, Nov. 20	—	John Catesby				—	

Table of the Barons of the Exchequer.

A. R.	A. D.	Chief Barons.	Barons of the Exchequer.			
1	1461,	Peter Arderne	John Clerke	Brian Roucliffe	John Durem.	
2	1462, Sept. 4	Richard Illingworth	—	—	—	
	Nov. 4	—	—	—	—	John Ingoldesby.
7	1467, Sept. 29	—	—	—	—	Ralph Wolseley.
10	1470, June 20	—	—	—	—	John Ingoldesby.
			Interregnum of Henry VI.			
11	1471, May 22	Thomas Urswyke	—	—		
18	1478, March 8	—	—	—	Ralph Wolseley.	
19	1479, April 3	William Nottingham	—	—	—	
	?	—	? Nicholas Statham	—	—	
20	1481, Feb. 3	—	Thomas Whitington	—	—	

Attornati Regis.

According to Dugdale there were two attorney-generals appointed at the beginning of the reign of Edward IV.

I. 1461. Aug. 12. John Herbert, of whom I can find no mention either in the Year Book or in the Rolls of parliament; nor is the patent in the Calendar.

Henry Sotill, whose day of appointment is not given; but we have proof of his holding the office in the first parliament which met on November 4.[1] We trace him in the Year Books as late as the ninth year. He was appointed for life.

XI. 1471. June 16. William Husee, soon after Edward's return on the final discomfiture of Henry VI., was made attorney-general for life; and a power was given to him of deputing clerks and officers under him in any court of record.[2]

Although we have seen several attorney-generals rewarded with the offices of chief baron and of judge in the other two courts, no instance occurs of one of them being at once raised to the dignity of chief justice of the King's Bench till William Husee, who was appointed on May 7, 1481, 21 Edward IV.

XXI. 1481. May 7. William Huddersfield in 17 Edward IV. had a grant of the office for life after the cession of it by William Husee.[3] That he succeeded to it we find by his epitaph in the church of Shillingford, in Devonshire. He was called serjeant in 1 Henry VII., and died in 1499.[4]

Solicitatores Regis.

The earliest evidence we have of the existence of the office of solicitor to the king is in the first year of Edward IV., when, eight days after his accession, he appointed

[1] Rot. Parl. v. 476.
[2] Dugdale's Chron. Series.
[3] Cal. Rot. Pat. 322.
[4] Prince's Worthies of Devon.

I. 1461. March 12. Richard Fowler to be "king's solicitor in all pleas within the kingdom quamdiu se benegesserit." He was removed in 9 Edward IV.; but made chancellor of the Duchy of Lancaster in the thirteenth year, and afterwards under-treasurer of the Exchequer.[1]

IX. 1470. Jan. 31. Richard Page succeeded Fowler, with a salary of 10*l.* per annum.[2]

There is very little doubt that previous to this reign no such office existed; for in all the earlier proceedings in parliament which have reference to the legal functionaries, the king's attorney only is named after the king's serjeants; while subsequently to this period the king's solicitor is also introduced. What was his precise duty we have no means of explaining; but it does not seem unlikely that, in consequence of the great increase of business in the Court of Chancery, it became necessary for the king to have a representative there. The words "in omnibus placitis" in Fowler's patent are not necessarily confined to Common Law pleas; and in that to Page they are changed to "de et in omnibus materiis."

SERJEANTS-AT-LAW.

Those marked * became judges.

I. 1461. The following serjeants of the previous reign practised in this:—

* Thomas Billing,	* William Laken,
William Boeff,	* Thomas Lyttelton,
* Richard Choke,	* John Needham.

The following were called in the present reign—

III. 1463.	* *Thomas* Young,	* Thomas Brian,
	* Richard Neele,	John Grenefield,
	* *William* Jenney,	* John Catesby,
	* Guy Fairfax,	Richard Pigot.
XII. 1472.	Richard Higham.	

[1] Cal. Rot. Pat. 300. 318, 319.

[2] Ibid. 315.

XVIII. 1478.	* William Husee,	* John Vavasour,
	* Humphrey Starkey,	* Roger Townsend,
	* Thomas Tremayle,	Thomas Brigges,
	* John Sulyard,	Thomas Rogers,
	* William Colow.	
XXI. 1481.	Walter Keeble.	

King's Serjeants.

I. 1461.	Those surviving of the last reign were—	
	* Thomas Billing,	* Thomas Lyttelton,
	* John Needham.	
	The new ones appointed were—	
III. 1463.	* Thomas Young, the day after he took the coif.	
IV. 1464.	* Richard Neele.	
VII. 1467.	* Guy Fairfax,	Richard Pigot.
IX. 1469.	* John Catesby.	
XXI. 1481.	* Thomas Tremayle.	

The serjeants who were called in 3 Edward IV. held their feast at the Bishop of Ely's house in Holborn; because, as Stow represents, its large and convenient rooms afforded the best accommodation for such an assembly. It must be remembered, however, that Serjeants' Inn in Chancery Lane belonged to that prelate, which might account for the loan of his mansion; and if the serjeants did not then occupy that inn, which is somewhat uncertain, another reason may perhaps be found in the fact, which will presently appear probable, that they were then established at Scrope's Inn, which was the next mansion to the bishop's. The lord treasurer, Lord Grey de Ruthin, was present on the occasion; and offence was taken that the first place at the festival was given to him, and not to the Lord Mayor of London, who, with the aldermen, had been also invited, and whose privilege it was alleged to be to keep the state at all solemnities within the city and liberties when the king was not present. The members of the corporation thereupon indignantly retired; to the annoyance and regret of the serjeants, who excused themselves by

saying that the error was committed without their knowledge and against their wills.[1]

This is the first record of a feast on the appointment of serjeants: and it is worthy of remark that the two great calls of serjeants in the third and eighteenth years of this reign are for the first time reported in the Year Books, with the addition of the several Inns of Court to which those summoned on each occasion belonged.

It is difficult to decide with certainty in what place the serjeants were established during the whole of this reign. Dugdale claims the honour for three places, — Serjeants' Inn, in Fleet Street; Serjeants' Inn, in Chancery Lane; and Scrope's Inn, in Holborn. As it can scarcely be supposed that they occupied more than one at the same time, we will investigate the evidence in support of each.

SERJEANTS' INN, FLEET STREET. The lease to William Auntrous of this house for eighty years, dated in 1442, which we mentioned in the last reign[2], seems to have been surrendered at the end of thirty-two years; since another lease for the same term and at the same rent, ten marks, was granted by the Dean and Chapter of York in 1474, 14 Edward IV., to John Wykes, Esq., who is described as then inhabiting the house. This tenant was one of the esquires of the king's body, and held several valuable appointments under the crown.[3] There is nothing to show that he, any more than William Auntrous, was connected with the judges or serjeants; nor is there any evidence to raise a presumption that either of these bodies occupied the premises during any part of this reign. Indeed there seems no reason why they should have had their leases granted to a trustee in these instances, instead of directly to themselves, as had been done on former occasions and was afterwards the universal practice.

[1] Holinshed, iii. 283.
[2] See antè, p. 247.
[3] Rot. Parl. v. 587.

SERJEANTS' INN, CHANCERY LANE. This inn, which in the early part of the reign of Henry VI. had been called "Hospicium Justiciariorum," was, as we have seen, demised to John Hody and other *serjeants-at-law* in 1440 at 5*l.* per annum.[1] How long after that time it continued to be occupied by them does not appear; nor is any mention made of the inn or its inhabitants for a period of thirty-four years; not, in fact, till 1474, the very year in which the new lease of Serjeants' Inn, Fleet Street, was granted to John Wykes. In that year we find that Serjeants' Inn, Chancery Lane, was let at 4*l.* a year to Chief Justice Sir Robert Danby and *other the judges of that time;* but whether by a new demise or not we are not informed.

Whether the judges and serjeants were established in this inn during the whole of the interval between 1440 and 1474 it is impossible to determine; but the fact that the last letting was to the chief justice, and to *other the judges* of that time, the serjeants being left unnamed, raises a suspicion that the union between the judges and serjeants, to which we adverted in the last reign, had suffered some temporary disruption; and that the latter had fixed themselves in some other spot. If this were the case, we shall soon see that there will be no difficulty in pointing to Scrope's Inn as the place of their habitation.

But two years afterwards the judges again removed from Serjeants' Inn, Chancery Lane; unless Sir Thomas Grey, knight, the tenant of a new lease granted in 1476, was connected with them or the serjeants, of which there is no evidence or probability. This lease was at the same rent of 4*l.*; and being renewed in 1484, Sir Thomas is mentioned as tenant till 1490 (the house being *untenanted* in 1492); so that these two leases to him were probably for seven years each.

[1] See antè, p. 246.

In the latter of them the premises are described as "Hospicium vocatum, Serjeants' Inne, in Chanceler's Lane;" a designation which it received and would preserve from its former occupation.

SCROPE'S INN was opposite to St. Andrew's church in Holborn, and belonged to Henry Lord Scrope, of Bolton, who died in 1459. At some time between that date and the year 1484 the judges and serjeants, or at all events the serjeants, took up their residence there; for in the latter year it is described in the Bishop of Ely's accounts as "Mansio Domini Scrope de Bolton, modo vocata Le Serjeants place;" and we shall find further evidence of this in the reign of Henry VII.[1]

Looking then to the fact that the first recorded serjeants' feast in 3 Edward IV., 1463, took place at the Bishop of Ely's house in Holborn, which was next door to Scrope's Inn, it is not improbable that soon after Lord Scrope's death in 1459 the serjeants domiciled themselves in Scrope's Inn, perhaps separate from the judges; and there is little doubt that they were there towards the end of the reign.

COUNSEL.

THE following names are extracted from the Year Books, and include the serjeants.

The initials show the courts to which those who became judges were first appointed.

Baker,	Cand,	Digas,
Bertlott,	Catesby, C. P.,	Donington,
Billing K. B.,	Collow, C. P.,	Fairfax, K. B.,
Boeff,	Comberford,	Fincham,
Brent, Clk.,	Conesby,	Fineux, C. P.,
Brewood,	Copley, Clk.,	Grenefield,
Brian, Ch. C. P.,	Corff,	Harman, Clk.,
Brigges,	Croxton,	Haydon,
Browne,	Danvers, C. P.,	Hody, Ch. B. E.,

[1] Dugdale's Baronage, i. 636.; Origines, 333.

Husee, Ch. K. B.,
Jaye,
Jenney, K. B.,
Keble,
Keistein,
Kirton,
Laken, K. B.,
Lovel,
Ludworth,
Lyttelton, C. P.,
Medley,
Metcalf,
Moleneux,
Mordant,
Nele, K. B.,
Nottingham, Ch. B. E.,
Philpot,
Pigot,
Pulton,
Reedman,
Rogers,
Sandes, Clk.,
Sidenham,
Sothill,
Spilman,
Starkey, Ch. B. E.,
Stillington,
Stoner,
Sulyard, K. B.,
Tonnesh,
Townsend, C. P.,
Tremayle, K. B.,
Turpin,
Vavasour, C. P.,
Warnowe,
Watman,
Willoughby,
Winslade,
Wood,
Young, C. P.

We have scarcely any means of ascertaining what fees were paid to advocates at this time; but the following entry is said to exist in the churchwarden's accounts of St. Margaret's, Westminster, for the year 1476: "Also, paid to Roger Fylpott, learned in the law, for his counsel, giving 3*s.* 8*d.*, with 4*d.* for his dinner."[1] This, no doubt, was the "Philpot" in the above list. The following extract from a letter to Sir William Plumpton, relative to a suit of his, throws some light on the subject: "Maister Fairfax had 10*s.* for that matter all on. Mr. Suttil labored effectually; I tould him he shold be rewarded of the mony in his hands, and said lightly he would have none; so I wot whether he will take or no: he hath nott all paid yett."[2]

To what extent the first introduction into the Year Books of the names of the serjeants called in this reign, with the addition of the Inns of Court to which they belonged, operates as evidence in support of the view I have suggested,—that a more regulated constitution had been about this time adopted by these societies,—I must leave to the judgment of the reader. That they then began to be recognised by the government

[1] Westminster Hall, iii. 73.

[2] Plumpton Corresp. 23.

we have seen by the order for their array in 16 Henry VI.; and we have further proof of it in this reign in a mandate from the king in his seventh year, 1467, directing that each of the four Inns of Court should furnish four armed men for his guard at the justs then held in Smithfield between Anthony Wydeville, Lord Scales, and the Duke of Burgundy's illegitimate son.[1]

LINCOLN'S INN. The records of this society exhibit a regular progress in the system adopted in the beginning of the last reign, when, as we have already seen, the lists of admittances and of governors commenced. Early in this reign the catalogue of readers opens with the first appointment in 1464, 4 Edward IV. Of these there were to be two in the year; one for summer to be elected in Easter Term, and one for Lent to be chosen in Michaelmas Term.

From this it is not unreasonable to infer that, after the establishment of the society, or the adoption of its new form of government, whichever it was, it was next deemed necessary to introduce some mode of giving instruction to the students of the body. Accordingly two years afterwards we find an order made by a general council of the society held in the chapel, and including the bench and the bar, regulating the number of vacations each member should keep during the first three years after his admission to the bar or the bench; all to be in the time of the reading, at which he was bound to be present.[2]

The only mention we have of the three other Inns of Court in this reign, is that some of the serjeants called in the 3rd and 18th years came from each of them as well as from Lincoln's Inn. Those from the Temples are stated in 3 Edward IV. to be "of Inner Inne" and "of Middel Inne,"

[1] Dugdale's Orig. 245. [2] Ibid. 243. 249.

without using the word Temple; but in 18 Edward IV. they are described as of the "Inner Temple" and the "Middle Temple."

CLEMENT'S INN. How long before 1479, 19 Edward IV., this inn was occupied by students of the law, we have no means of determining, unless we accept the evidence of Shakspeare, on which it would, however, be somewhat hardy to depend. That it had been so inhabited for some time previous to that date is manifest from a plea in the Book of Entries, p. 108., wherein it is stated to be then, "et diu ante" an "Hospicium hominum Curiæ Legis temporalis, necnon hominum consiliariorum ejusdem Legis." The precise force of the "diu ante" is very uncertain.[1]

It stands on the north side of the church of St. Clement Danes, near to a famous well there; and was afterwards connected with the society of the Inner Temple.

NEW INN is also in the parish of St. Clement Danes, and abuts upon the house and gardens of Clement's Inn. It formerly bore the name of Lady Inn; and is stated to have been a common hostelry or inn for travellers, with the sign of the Virgin Mary. No doubt exists that the society of lawyers who occupied St. George's Inn, near St. Sepulchre's church (which we mentioned in a former page[2] as being probably one of the ten Inns of Chancery referred to by Fortescue), removed hither somewhere about this period; but the precise time is disputed. In a Chancery suit instituted in the reign of George II. by the treasurer and ancients of New Inn against the benchers of the Middle Temple, the plaintiffs by their bill alleged that the removal took place in the reign of Edward IV.; while the Templars in answer said that it did not occur till the middle of that of Henry VII. The

[1] Dugdale's Orig. 187.

[2] See antè, p. 279.

contradiction was scarcely worth making, since it could be only founded on surmise, and nothing in the cause could be influenced by the fourteen or fifteen years to which the difference of time extended. When the removal was made, the old buildings of the Lady Inn were pulled down and new chambers erected; and the society, adopting the name of New Inn, was governed by a principal and twelve ancients. How soon afterwards it was taken under the superintendence of the benchers of the Middle Temple as an Inn of Chancery does not appear; but it was evidently before their claim of right to the property itself of New Inn accrued; which they did not pretend to have happened till the sixth year of James I. Their assertion that they then acquired it was the subject in controversy in the cause.

The members of New Inn admitted that they had paid a sum of 20*s.* a term, or 4*l.* a year, to the Middle Temple; but that they had done so only as an acknowledgment of the superintendence of that society; and they alleged, without being contradicted, that from the commencement of their establishment there they had performed every act of ownership which proprietors could possibly exercise. The Templars, on the contrary, asserted that the 4*l.* a year was a rent of the premises paid by the society as tenants at will; and that the amount was not increased, nor the society in any way interfered with in their dealings with the property, from the favour and good will with which they regarded the inn.

The plaintiffs succeeded in obtaining an injunction to stay execution on certain ejectments which the Templars had brought; but these ejectments never came to trial; and the dispute was at last amicably settled by the private award of Lord Hardwicke, who secured to the Templars their 4*l.* a year, which had never been refused; and in effect established the rights of the members of New Inn, by awarding that the

Templars should grant them a lease at the above rent for a term that was calculated by centuries.

The Year Books of this reign are divided into two parts, the second of which is confined to the cases heard in the fifth year, and is generally quoted as the *Longo Quinto*. The first extends through the reign, and includes (between the tenth and eleventh years) the cases heard during the restoration of Henry VI. in 1470. Several terms are omitted, but no whole year.

BIOGRAPHICAL NOTICES

OF

THE JUDGES UNDER THE REIGN OF EDWARD IV.

ALCOCK, JOHN, Bishop of Rochester, Worcester, and Ely.

M. R. 1471. ? Keeper, 1472.

See under the Reign of Henry VII.

ARDERNE, PETER.

Ch. B. E. 1461. Just. C. P. 1461.

See under the Reign of Henry VI.

Peter Arderne was not improbably the son of John Arderne, the clerk of the king's works, and a baron of the Exchequer under Henry VI. In 18 Henry VI. he was deputy of William de la Pole, Earl of Suffolk, the chief seneschal of the king in his Duchy of Lancaster.[1] We have no further account of him till he took the degree of the coif on February 14, 1443, 21 Henry VI.; during the two years after which his name frequently occurs as an advocate in the cases recorded in the Year Books. He was afterwards made one of the king's serjeants; and was raised from that degree to the office of chief baron of the Exchequer on May 2, 1448, 26 Henry VI. Although Dugdale does not introduce him at that time in his Chronica Series as a justice of the Common Pleas, yet in his list of judges before whom fines were levied, all of whom were judges of that court,

[1] Plumpton Corresp. liii.

Arderne's name is inserted as performing this duty from the November following his appointment as chief baron.[1] It was manifest therefore that Dugdale had overlooked his patent; and accordingly on inspection of the Roll it appears that he was constituted a judge of the Common Pleas on June 7; thus like three of his predecessors, Cokayne, Babington, and Juyn, holding both places at the same time.[2]

On the accession of Edward IV., 1461, being then a knight, his patents for both offices were renewed, and he continued to act in the double capacity till September 10 in the following year; when a new chief baron being substituted for him, he retained the judgeship of the Court of Common Pleas; and fines were acknowledged before him so late as Easter, 7 Edward IV., 1468. From a case in Trinity Term, 3 Edward IV., in which he is called "late chief baron of the Exchequer, and now justice of the Common Bench *et secundar*,"[3] it would seem that he also remained in the Exchequer as second baron; but the meaning of the title is not very clear. He had a grant of a ton of wine for his life, which was excepted from the act of resumption passed in 4 Edward IV.[4]

He and his wife Catherine founded a chantry in the church of Nettleswell, in Essex[5]; and another was endowed by him in the neighbouring parish of Latton[6], where a monumental brass now lies over his grave.[7]

AYSHTON, NICHOLAS.

Just. C. P. 1461.

See under the Reign of Henry VI.

NICHOLAS AYSHTON belonged to a branch of the ancient and knightly family of Ayshton, or Assheton, in Lancashire.

[1] Dugdale's Orig. 46.
[2] Year Book, 3 Edw. IV., fo. 6.
[3] Rot. Pat. 26 Hen. VI., p. 2. m. 9.
[4] Rot. Parl. v. 528.
[5] Morant's Essex, ii. 439.
[6] Cal. Inquis. p. m., iv. 382.
[7] Monument. Brasses, No. 4.

His name occurs occasionally in the Year Books before he was created a serjeant-at-law, his summons for which is dated February 14, 1443, 21 Henry VI. The patent of his appointment as a judge of the Common Pleas is not given; but the Year Books prove that it was before or in Trinity Term, 1444, as he is then mentioned among the judges on the bench. His judicial career extended through the remainder of Henry's reign and the first four years and a half of that of Edward IV.; the last fine levied before him being on the morrow of the Purification, February 3, 1466, 5 Edward IV.[1]

BATH AND WELLS, Bishop of. *See* R. Stillington.

BERKS, Archdeacon of. *See* R. Stillington.

BEVERLEY, Provosts of. *See* L. Booth; T. Rotheram.

BILLING, THOMAS.

Just. K. B. 1464. Ch. K. B. 1469.

See under the Reign of Henry VI.

Fuller inserts Sir Thomas Billing among the worthies of Northamptonshire[2], where are two neighbouring villages of the name; adding that at Ashwell in that county the judge "had his habitation in great state." Unsupported by any authority which we have been able to discover, Lord Campbell, in his biography of this judge, represents him as in every respect a contemptible and worthless person. In conformity with this view of his character, he remarks, in detraction of Billing, that Fuller "is silent both as to his ancestors and descendants."[3] But this omission is not uncommon with Fuller; nor is there anything in his account of Billing to indicate, as Lord Campbell asserts, that he "is evidently ashamed of introducing such a character among worthies." Fuller was not

[1] Dugdale's Orig. 46.

[2] Worthies, ii. 166.

[3] Lord Campbell's Ch. Justices, i. 145.

a man to conceal a truth, though discreditable to the subject of his notice; and of this we have two instances immediately following the account of Billing, besides many others throughout his work.

In truth no memorial of Billing's ancestors or of the personal history of his early years has been found; nor does any authority exist for the supposition made by Lord Campbell that he had been "the clerk of an attorney;" nor if he had been, would it justify the conclusion which his Lordship invents, that he would thus necessarily become well acquainted with "the less reputable parts of the law." Leaving the inference to find its own level, there is nothing whatever in the details of his life which can give any probability to the supposed fact; while the broad distinction between the condition of persons who filled the offices of attorneys and advocates in the early part of the fifteenth century renders it extremely improbable.

A letter in the Paston Correspondence so far confirms the Gray's Inn MS. which we have already noticed, as to prove that Billing was a member of that society. Speaking to one Ledam he is made to say, "I would ye should do well, because ye are a fellow of Gray's Inn, where I was a fellow."[1] If that MS. is to be taken as authority in this instance, it appears not merely that "he *contrived* to keep his terms and to be called to the bar," as Lord Campbell insinuates, but that he was so well reputed as to be made a reader in that house.

We must suppose that he distinguished himself in his early professional career, since we find that he was returned in 1448 by the citizens of London as their representative in parliament, and that he was elected their recorder in 1451.[2] If this does not raise a sufficient doubt of Lord Campbell's

[1] Paston Letters (1840), i. 43. [2] Hon. C. E. Law's List.

assertion, that his business, though considerable, was "not of the most creditable description," we may find further proof in the Paston Letter we have quoted, and in another in the same collection[1], that he had already acquired a high reputation, that his advice was deemed valuable, and that his personal position was such as to warrant an intimate intercourse with the families of Paston and Lord Grey de Ruthyn.

Billing was summoned with seven others to assume the degree of the coif on July 2, 1453, 31 Henry VI.; and he is first mentioned in the Year Books as taking part in the arguments at the bar in Hilary Term following. From this period there is scarcely a term till the end of the reign in which his name does not frequently appear; and, as a natural consequence of his professional success, he was appointed one of the king's serjeants on April 21, 1458, 36 Henry VI., a month after the hollow accommodation between the two contending parties in the state.

As we have never seen nor heard of Billing's treatise on the subject of the claims of the royal antagonists, which Lord Campbell quotes but does not enable us to refer to, we are prevented from judging of his private aspirations or his political sentiments. Having lived from his infancy under the mild sway of an amiable monarch, we hope he was "outrageously loyal." We do not find, however, that the Rolls of parliament mention his name as appearing "at the bar of the House of Lords as counsel for Henry VI., leading the attorney and solicitor-general;"[2] and if on that occasion it was "remarked that his fire had slackened much, and that he was very complimentary to the Duke of York, who since the battle of Northampton had been virtually master of the

[1] Paston Letters, i. 53.

[2] Lord Campbell has forgotten that it is very doubtful whether there was at this time any such office as that of solicitor-general.

kingdom," we have to acknowledge our ignorance of any work (except Lord Campbell's) in which the observation is recorded. On the contrary, it appears by the Rolls that not only the judges, but the king's serjeants and attorney, none of whom are mentioned by name, excused themselves altogether from giving any opinion or advice on the question.[1]

It would have been more satisfactory to his readers if Lord Campbell had stated his authority for saying, that on the accession of Edward IV. "instantly Sir Thomas Billing sent in his adhesion; and such zeal did he express in favour of the new dynasty, that his patent of king's serjeant was renewed, and he became principal law adviser to Edward IV." We might then perhaps have comprehended why his Lordship designates him as "this unprincipled adventurer," although Coke speaks of him among "other excellent men" who flourished at the time.[2] But it does seem somewhat unjust to single out Mr. Serjeant Billing from his brethren with such harsh terms, when (assuming that his patent as king's serjeant was renewed, which, however, is not stated in Dugdale's list,) the only evidence of his turning is, that he did exactly what not only the other serjeants, but every one of the judges except Fortescue, very naturally and very properly did on the change of dynasty,—he retained his legal position in the courts of law. In the very first parliament of Edward IV. we find that, besides Billing, the famous Lyttelton (who is named before him) and William Laken, serjeants in precisely the same position, were nominated by the parliament as referees in a case between the Bishop of Winchester and his tenants[3]: but the Rolls do not supply us with any authority for the very improbable fact which Lord Campbell introduces, that *Serjeant* Billing "assisted in framing the acts by which Sir John Fortescue and the prin-

[1] Rot. Parl. v. 376.
[2] Coke's Pref. to First Inst.
[3] Rot. Parl. v. 476.

cipal Lancastrians, his patrons, were attainted;" or that he took an active part in the subsequent measures of hostility against King Henry and Queen Margaret.

We have no materials which would justify us in ascribing to Billing the private suggestions of which Lord Campbell makes him the author, or in judging of the correctness of the motives assigned for his elevation to the bench. Neither can we find any evidence of his presumed dissatisfaction with the office of puisne justice, nor of his resolution that "mere scruples of conscience should not hold him back" from the woolsack. Discarding every thing but the simple fact, it is enough to say that on August 9, 1464, 4 Edward IV., he was added to the three judges of which the Court of King's Bench then consisted.

Of Mr. Justice Billing's conduct while in the judicial seat we have little account, except what may be found in the Year Books. His name happens to be brought into discussion soon after his appointment, on a legal question as to the sufficiency of the king's writ to make a justice of assize without any other authority, Billing having been added to the commission by such a writ; when the judges decided that a writ was not sufficient, but that a commission was necessary to make a justice of assize.[1]

Lord Campbell, quoting from Baker's Chronicle and Hale's Pleas of the Crown, mentions Billing as the judge who tried Walter Walker for saying he would make his son "heir to the CROWN," meaning his inn so called; and he gives the judge's ruling on the case, with the conviction and execution of the unfortunate prisoner. It is curious, however, that his Lordship, when five pages before he cites Sir Nicholas Throgmorton's address to Chief Justice Bromley, omits there the chief justice's answer referring to this very

[1] Year Book, Longo Quinto, fo. 137. *b*.

"Crown" case, though he does not name the prisoner; by which it appears that Markham was the judge, and that an acquittal was the consequence of his honest ruling.[1] One would have thought that if Throgmorton's testimony in favour of Markham was to be received, Bromley's acquiescence founded on that trial would be equally good; the more especially as Bromley lived a hundred years nearer the period than Hale.

But if this omission is curious, what will our readers think when it turns out that neither Baker nor Hale state the case as occurring in Billing's time; and further, that Stow, p. 415., gives the precise date of Walker's trial, viz. March 12, 1460, more than four years before Billing was on the bench; adding, that the charge against him was for words spoken of the title of King Edward when he was proclaimed: and Fabyan, p. 639., confirms him in the date.

Whatever may have been the cause of Chief Justice Markham's removal, Billing was selected as his successor, and received his patent on January 23, 1468–9 (not 1469–70 as Lord Campbell gives it), 8 Edward IV., taking precedence of Yelverton and Bingham, his seniors in the King's Bench. The trial and conviction of Sir Thomas Burdet for wishing a favourite buck of his which the king had killed in hunting, horns and all, was in the king's belly, is said by Lord Campbell to have taken place before Chief Justice Billing in the very next term after his appointment, and that "a rumour was propagated that the late virtuous chief justice had been displaced because he had refused to concur in it."

We cannot discover whence Lord Campbell has extracted the ruling of Billing in this or in Walker's case, which he has printed with inverted commas as quotations: but we are

[1] State Trials, i. 894.

surprised that with his Lordship's known experience and great knowledge of his profession, he was not aware that Burdet's case had been lately referred to in Westminster Hall; that the record of his attainder was searched for, and found in the Baga de Secretis; and that this labour might have been spared by looking into Croke's Charles, p. 120., where the proceedings against him are published. The result of all this would have proved that the whole story of the buck and the belly was a figment; and that the charge against Burdet was for conspiring to kill the king and the prince by casting their nativity, foretelling the speedy death of both, and scattering papers containing the prophecy among the people. By the Record it appears also, that instead of the trial taking place in "the very next term" after Billing became chief justice, no part of Burdet's crime was committed before 1474, and he was not tried till 1477. What then becomes of Lord Campbell's charge against Billing of thus "justifying his promotion by the renegade zeal he displayed for his new friends?" What becomes of the "rumour" that Markham, who had retired nearly ten years before, was displaced for not concurring in the conviction?

Little more than two years after Billing had attained the chief judicial seat, Henry VI. was restored to the crown, which he retained for about six months, when he was again expelled by his successful rival. It is a strong proof of the seat of justice being considered exempt from the consequences of the civil strife, that on both these occasions the judges, with a few exceptions, were all replaced in their seats by new patents issued immediately after each of these kings had gained the ascendancy; by Henry VI. on October 9, 1470; and by Edward IV. on June 17, 1471; so that all the conjectures as to Billing's deportment at either crisis, in which Lord Campbell indulges, must be deemed applicable, if at all,

to his brethren as well as to himself. It seems more natural to infer, from Billing's double re-instalment, that he had not made himself obnoxious to either party by extreme partiality or "outrageous loyalty."

Lord Campbell states that the latter re-appointment took place "about a twelvemonth" after Edward's return in 1471; and the first column in Dugdale's Chronica Series certainly has the date of 1472. It will be apparent, however, that this date is far more likely to be wrong than right. Every regnal year, when the reign does not begin on the 1st of January, must necessarily comprehend parts of *two* years of our Lord. Nevertheless, Dugdale does not mark this division, but for each regnal year only puts *one* year of our Lord; to which therefore many dates of the patents he refers to cannot possibly apply. An omission to notice this may consequently lead to the formation of hypotheses which fall to pieces on the first touch of investigation. In this case Billing's new patent is dated June 17, 11 Edward IV. As this eleventh year began on March 4, 1471, Dugdale's date of 1472 can only apply to the months of January and February and the first three days in March in that year; consequently June 17 must be in 1471; a few weeks, instead of a year, after Edward's return. Thus Lord Campbell's statements, that Billing "found great difficulty in making his peace," that "he was dismissed from his office" which "was allowed to remain vacant about a twelvemonth," and that "he is supposed to have been in hiding" during the interval, are at once deprived of the groundwork on which they rested.

For the "one good deed he did in advising Edward IV. to grant a pardon to Sir John Fortescue" we should be obliged for Lord Campbell's authority; with an explanation why he here attributes the imposition upon Sir John of the condition to publish a retractation of his former sentiments

to Sir Thomas Billing, which in his previous life of the great lawyer he had ascribed to the king himself.[1]

In the various records that have come down to us there is no appearance that Billing in any way interfered, or was even present at the trial, if so it can be called, of the Duke of Clarence, as Lord Campbell intimates. It was one of those arbitrary acts too common in those times, in which a subservient parliament paid more attention to the will of the sovereign than to the law of the land.

Sir Thomas Billing presided in his court up to the day of his death; his judgments being recorded in the Year Books in the Easter Term preceding it. It took place on May 5, 1481; and two days afterwards his successor, Sir William Husee, was appointed. He was buried in Bittlesden Abbey under a large blue marble slab, on which are the figures, between three and four feet in length, of the chief justice and his lady; he being represented in his official robes, and she in a plain dress with short waist. This slab, after the dissolution of the monasteries, was removed to the church of Wappenham, in Northamptonshire, where it now remains.

The name of the wife here represented with him is Katerina, and it is stated that she died on March 8, 1479. Between that date and his death he took a second wife, who had been twice a widow. She was Mary, the daughter and heir of Robert Wesenham, of Conington, in Huntingdonshire; whose first husband was Thomas Lacy, and her second, William Cotton, of Redware, in Staffordshire; as appears in a rough representation given by Weever of her monument in St. Margaret's church, Westminster, which was re-edified by her and Sir Thomas Billing, whom she survived till 1499.

By his first wife Sir Thomas had five sons and four

[1] Lives of the Chancellors, i. 370.

daughters, whose figures appear under the inscription on a brass plate on the monument: and in the same church is another slab recording the death of Thomas his son and heir in 1500, who, according to the pedigree, left no male issue.[1]

BINGHAM, RICHARD.

Just. K. B. 1461.

See under the Reign of Henry VI.

This family was established at Carcolston, in the hundred of Bingham, in the county of Nottingham. Richard was a younger son, and pursued the study of the law. He is one of that numerous class whose legal practice is not recorded in the Year Books till he was called to the degree of serjeant-at-law, his summons for which is dated February 14, 1443 21 Henry VI. It was not long before he was raised to the bench; for though he is not inserted in Dugdale's list till Hilary, 35 Henry VI., it is not with the date of his appointment as a judge of the King's Bench, but a reference to a case in the Year Book, in which his name happens first to occur. His last appearance as an advocate in that collection is in Easter, 22 Henry VI.; and we have certain proof of his advance before February 10, 1447, 25 Henry VI., as he is among the judges who acted as triers of petitions in the parliament that met on that day; and it is repeated in the thirty-third year.[2] He probably troubled himself little with the party politics of the time; for on the deposition of Henry VI. in 1461 he was retained by Edward IV., and was continued in his place during the temporary restoration of Henry in 1470–1; being then described as a knight.[3] On the return of Edward IV., however, he was not included in the new patent; being probably omitted by his own desire, as he must have then been considerably advanced in age.

[1] Baker's Northamptonsh. 730.; Weever's Funeral Mon. 495.

[2] Rot. Parl. v. 129. 179. [3] Dugdale's Chron. Series.

He married Margaret, the daughter of Sir Baldwin Frevill, of Middleton, in the county of Warwick, and widow of Sir Hugh Willoughby, of Wollaton, in Nottinghamshire; and dying on May 22, 1476, he was buried at Middleton, where there is a monument representing him in his judicial robes. His son Richard married Margaret, daughter of Sir Thomas Rempston, uncle by the half blood to Sir William Plumpton. In the Plumpton Correspondence is a letter from the judge to the latter knight, in which, "be the advise of my master, Sir John Markham, Chiefe Justice," he proposes that a variance between Sir William and Henry Pierpont should be submitted to their arbitration.[1]

BOOTH, LAURENCE, Provost of Beverley; Archdeacon of Richmond; Dean of St. Paul's; Bishop of Durham; Archbishop of York.

Lord Chancellor, 1473.

The ancestors of Laurence Booth were, to use the words of Dugdale, "a very antient and knightly family," possessing property in Cheshire and Lancashire. From the reign of Edward I. there were five generations before John Booth, or Bouth, of Barton, who lived in the reigns of Richard II. and Henry IV., and by two wives had twelve children; two of whom, William and this Laurence, became Archbishops of York, and one, John, Bishop of Exeter. The eldest son, Thomas, received the honour of knighthood; a descendant of the second son Robert, also a knight, was raised to the peerage for his loyalty in 1661 as Baron Delamere, and in 1690 as Earl of Warrington; both of which titles became extinct for want of issue male in 1770. The daughter of the fourth son, Roger, married Ralph Nevill, the third Earl of Westmoreland; and the seventh son, Ralph, was Archdeacon of York.

[1] Archæol. Journ. ii. 250.; Proceedings at York, Priory of Holy Trin. 198.; Thoresby's Thoroton's Notts. i. 240.; Plumpton Corr. 3. 259.

Laurence was the youngest son, and the only child of the second wife, Maude, daughter of Sir John Savage, of Clifton, or Rock-Savage, in Cheshire.[1] He pursued his studies at Cambridge, becoming master of Pembroke Hall in 1450, and afterwards chancellor of the university. Ecclesiastical preferments flowed quickly upon him; several of which he no doubt owed to the influence of his half-brother, William, Archbishop of York. From the rectory of Cottenham, in Cambridgeshire, he was successively advanced to the provostship of Beverley in 1453[2]; canonries in York and Lichfield; the Archdeaconry of Richmond in 1454; the Deanery of St. Paul's in 1456; and the Bishoprick of Durham, by papal bull, on September 15, 1457.[3]

Although Fuller describes him as "neither for York or Lancaster, but England," there is no doubt that, until the Lancastrians were deprived of all hope, he was zealously attached to their interest and employed in their service. In 1454 he was Queen Margaret's chancellor, and keeper of King Henry's Privy Seal; a post which he is described as occupying a few days before the battle of Northampton in July, 1460, when Bishop Waynflete surrendered the chancellorship.[4]

The battle of Towton in the following year sealed the fate of his party; but that he had not made himself obnoxious in his adherence to his royal master is apparent from the fact that he was appointed one of the triers of petitions in the parliament which met in November, 1461[5]; and he was not only not included in the act of attainder then passed by the conqueror, but that by the same statute his right to forfeitures within the palatinate was expressly excepted in his favour. Within a short period, however, he had incurred

[1] Dugdale's Baron. ii. 481.; Burke's Ext. Peerage, 67.; Surtees' Durham, i. lviii.

[2] Monasticon, vi. 1307.

[3] Le Neve, 184. 310. 326. 347.

[4] Rot. Claus. 38. Hen. VI., m. 5.

[5] Rot. Parl. v. 462. 481.

the king's displeasure for some offence which is not recorded, possibly for corresponding with his royal mistress, Queen Margaret. His temporalities were seized into the king's hands on December 28, 1462, and were not restored to him till April 17, 1464; when he had so far reinstated himself in the royal favour that all grants to him were excepted from the act of resumption passed in the parliament of that year.[1] From this time till the second imprisonment and death of Henry VI. in May, 1471, no public mention occurs of the bishop. He seems then to have been convinced of the inutility of further resistance, as in the following July he united in the oath by which Edward, Prince of Wales, was accepted as heir to the crown; and he took his place as a trier of petitions in the next parliament.[2]

In less than a twelvemonth afterwards he was so confirmed in King Edward's confidence as to be selected for his chancellor when Bishop Stillington was incapacitated by illness. The Great Seal was delivered to him on July 27, 1473[3], during the sitting of parliament, which he prorogued in the following December.[4] He retained this high office little more than eighteen months, Bishop Rotheram succeeding him in February, 1475; and we are left to guess not only at the cause but the precise date of his retirement. We have no account of his performance of his duties in the office; but we may presume that his removal from it was occasioned by no dislike of the king, inasmuch as within ten days of the death of Archbishop Neville in June, 1476, the temporalities of the see of York were placed in his custody; and he was translated to that province on the 1st of the following September. He presided as primate less than four years; dying at Southwell on May 19, 1480. His remains were deposited in the collegiate church by the side of his brother, Arch-

[1] Rot. Parl. v. 519.
Rot. Claus. 13 Edw. IV., m. 11.
[2] Ibid. vi. 3. 234.
[4] Rot. Parl. vi. 98.

bishop William, who had been interred there sixteen years before.

He retained till the day of his death the headship of Pembroke Hall, on which he bestowed various tenements in Cambridge, and the manor and advowson of Overton-Waterfield, in Huntingdonshire. To the sees of Durham and of York he was also a liberal benefactor. For the former he built two stone gates to the college at Auckland and the edifices connected with them; and to the latter he presented the manor of Battersea, with the mansion he had built upon it.[1]

BOURCHIER, HENRY, Earl of Essex.

Keeper, 1473.

This nobleman was the fourth member of his family connected with the law; being the brother of Archbishop Bourchier, chancellor to Henry VI., and great-grandson of Robert de Bourchier, chancellor to Edward III.; who was son of John Bousser, a judge of the Common Pleas in the same reign.[2] The earl held the Great Seal after the retirement of the chancellor, Bishop Stillington, from June 23 to July 17, 1473; acting during the whole of Trinity Term[3], and bills in Chancery being addressed to him by the title of keeper of the Great Seal.[4]

The father of the earl was William, Earl of Ewe, in Normandy, son of Sir Robert Bourchier's youngest son, William. He married Anne of Woodstock, grand-daughter of Edward III., and widow of Edmund, Earl of Stafford; and had by her several sons, one of whom was the archbishop.

Henry, the elder son, who by his father's death in 1420

[1] Angl. Sac. i. 777.; Godwin de Præsul. 697. 752.; Surtees' Durham, i. lix.

[2] See antè, p. 294., and Vol. III.; 339. 400.

[3] Rot. Claus. 13 Edw. IV., m. 11.

[4] Introduction to Proceedings in Chancery, temp. Eliz., vol. i.

became Earl of Ewe, was then about twenty-one, and had served under the king in France for three years previously. He succeeded to the barony of Bourchier in 1435; and having in the earlier part of the reign of Henry VI. greatly distinguished himself in the French wars, he was created Viscount Bourchier in 1446. His marriage with Isabel, daughter of Richard, Duke of York, naturally made him a devoted adherent to that party; and after their success at the first battle of St. Alban's in May, 1455, he was constituted treasurer of England, retaining the office about eighteen months. When his nephew, Edward IV., had assumed the throne, he was re-instated in it for one year; and in the following June was advanced to the Earldom of Essex. He held the treasurership for the third time from 1472 till his death; and in 1473, as we have seen, he was temporarily employed as keeper of the Great Seal till Edward had fixed upon his chancellor. He died on April 4, 1483, five days before the king, and was buried in the abbey of Bylegh, near Maldon, in Essex.

He had many children, the eldest of whom, William, died in his lifetime, leaving a son, Henry, who succeeded to the earldom, which on his death in 1539 became extinct. The barony, however, then devolved on Anne, the daughter of the last earl, and at her death on Walter Devereux, Baron Ferrers, of Chartley, the son of Cecily the last earl's sister. In 1646 it fell into abeyance between the two sisters of Robert, the last Baron Ferrers; which may be presumed to have been terminated in favour of the youngest; as the patent of 1784, by which George Townshend, one of her descendants, was created Earl of Leicester, describes him by the title. This earl succeeded to the Marquisate of Townshend, to which his father had been raised in 1786.[1]

[1] Dugdale's Baron. ii. 127.; Nicolas's Synopsis of the Peerage.

BRIAN, THOMAS.

Ch. C. P. 1471.

See under the Reigns of Edward V., Richard III., and Henry VII.

CATESBY, JOHN.

Just. C. P. 1481.

See under the Reigns of Edward V., Richard III., and Henry VII.

CHOKE, RICHARD.

Just. C. P. 1461.

See under the Reigns of Henry VI., Edward V., and Richard III.

CLERKE, JOHN.

B. E. 1461.

*See under the Reign of Henry VI.

Ford, near Wrotham, in Kent, was the seat of the family of Clerke, or le Clerke, as the name was anciently called. John Clerke, the father, flourished there in the reigns of Henry V. and Henry VI.; and John Clerke, the son, was raised to the bench of the Exchequer as second baron on October 29, 1460, little more than four months before the deposition of the latter king.

Although his name is not repeated in Dugdale's Chronica Series on the accession of Edward IV., there is no doubt that he was continued in his place, nor any that he retained it till the restoration of Henry VI. in October, 1470, notwithstanding Dugdale names Nicholas Statham as second baron on October 30, 1467; the patent to the latter turning out to be a grant of the office in reversion on Clerke's death or retirement. John Clerke was named as second baron, not only in the new patent of Henry VI., but in that of

Edward IV. on his resumption of the crown six months afterwards. From the latter period till February 3, 1481, 20 Edward IV., no other second baron is mentioned; but we are not informed whether Thomas Whitington, who was then placed in the office, succeeded Clerke or Statham; so that we do not know which of these outlived the other.

The estate at Ford continued in the possession of the baron's descendants till 1644; when William Clerke, who had been knighted for his loyalty, was slain at Cropredy Bridge, commanding the regiment he had raised to aid the cause of his sovereign, Charles I.[1]

DANBY, ROBERT.

CH. C. P. 1461.

See under the Reign of Henry VI.

ROBERT DANBY was of a Yorkshire family, a descendant of which flourished in that county in the year 1684.[2] In 1436 he was proposed as a feoffee for Sir William Nevylle, of the manor of Merke, in Cleveland, &c.; and in 1441 is mentioned as an advocate in a case before the privy council.[3] The Year Books introduce his name as early as 1431; and he was called serjeant on February 14, 1443, 21 Henry VI., being appointed one of the king's serjeants soon afterwards. He was raised to the bench of the Common Pleas on June 28, 1452, 30 Henry VI., and held his place during the remainder of the reign.

If he be the Robert Danby mentioned in a letter from the Earl of Salisbury in the Paston Correspondence[4], he was evidently an adherent of the Yorkist party. If so, we can well understand why on May 11, 1461, immediately after the accession of Edward IV., he was made chief justice of

[1] Dugdale's Chron. Series.; Hasted's Kent, v. 19.
[2] Grandeur of the Law (1684), 167. [3] Acts Privy Council, iv. 336., v. 162.
[4] Paston Letters, i. 84.

the Court of Common Pleas in the place of Sir John Prisot. It has been said that he was afterwards deprived of his seat on the bench, and practised as a counsel until Henry VI. restored him to his chief justiceship.[1] But this is a mistake arising from an error of Dugdale, who introduces Sir Richard Choke as chief justice in 1 Edward IV., four months after the appointment of Danby. The Year Books, however, plainly prove that throughout the next ten years both Danby and Choke were in the court together, the former described as chief justice, and the latter as justice only. In the intervening parliaments, also, Danby always stands as chief justice among the triers of petitions; and he is specially so described in the act of resumption passed in 7 Edward IV.[2]

He was still chief justice on the restoration of Henry VI., who continued him at the head of the court during the six months of his renewed reign. On the return of Edward IV. in 1471 he was not re-appointed; but whether the change arose from his death or removal we are not informed.

In Holinshed's Chronicles[3] under this year is an account of the curious means adopted by Sir William Haukesford, knight (meaning Hankford), one of the chief justices, to rid himself of life, by directing his keeper to shoot any person whom he found in the park at night, and who would not stand when called upon; and then placing himself in the way of the fatal shot. That this could not apply to Sir William Hankford is evident from the fact that he had been dead for nearly fifty years. Whether it be true at all, or the mistake is only in the name, cannot now be determined; but the only chief justice who disappears at this time is Sir Robert Danby; and to him not only is the high character given by Holinshed in favour of the misguided man equally

[1] Law and Lawyers, i. 134.
[2] Rot. Parl. v. 462. 571. 604.
[3] Holinshed, iii. 299.

applicable, but the perplexities of the time afford a more probable reason for the tragic catastrophe.

That Sir Robert was an excellent judge is evidenced by the great deference with which he was treated by the other judges and by the counsel in the Year Books, and by the frequent reference made to his opinions.

DANVERS, ROBERT.

JUST. C. P. 1461.

See under the Reign of Henry VI.

THE founder of this family in England was Roland D'Anvers, who accompanied the Conqueror on his invasion, and whose descendants, by grants and marriages, acquired considerable property in Berkshire and Oxfordshire. Robert was the eldest son of John Danvers, of Cothorp, in the latter county, by his first wife Alice, daughter of William Verney, of Byfield. He received his legal education at Lincoln's Inn, of which he became one of the governors in 1428, 6 Henry VI.[1] In 1433 he was implicated in an erasure which had been made in an act of council, but was exonerated from all blame on that account by a special warrant under the Privy Seal.[2] The record does not explain the particulars; but it seems probable that they were in some way connected with the city of London, of which he was about this time common-serjeant. He was advanced to the recordership in 1442, 20 Henry VI., and was called to the degree of serjeant-at-law on Feb. 14, 1443. In the following year he was one of the king's serjeants; and in 1445 was returned to parliament as representative of the city of London.[3]

Raised to the bench as a judge of the Common Pleas on August 14, 1450, 28 Henry VI., he continued to sit there till the deposition of the king; and being re-appointed on the

[1] Dugdale's Orig. 257.
[2] Acts Privy Council, iv. 166.
[3] Hon. C. E. Law's List.

accession of Edward IV., passed the remainder of his life in the quiet performance of his judicial functions. The last fine levied before him was in Michaelmas Term, 1467, 6 Edward IV.[1]; soon after which he died; being described as a knight in the inquisition then taken.[2] He and his wife Agnes were buried in the church of St. Bartholomew, in Smithfield. By her, who was daughter of Richard Quatremains, of Rycot, in Oxfordshire,—or, according to Stow, of Sir Richard Delaber,—he left no male heirs. His estate of Culworth, in Northamptonshire, which was purchased by his brother Richard of his three daughters, gave the title to a baronetcy, granted in 1643 to one of Richard's descendants, which became extinct in 1776.

Henry Danvers, created Lord Danvers in 1603 and Earl of Danby in 1626, was also a descendant from the above Richard; but dying in 1643, without issue, there was no second representative of these titles.

Sir William Danvers, who will be mentioned as a judge of the Common Pleas in the reign of Henry VII., was half-brother to this Sir Robert.[3]

DUREM, JOHN.

B. E. 1461.

See under the Reign of Henry VI.

Of John Durem we know very little beyond the fact of his appointment as one of the barons of the Exchequer on May 26, 1449, 27 Henry VI., in the place of William Levesham; and that on the accession of Edward IV. he was continued on that bench, and remained there till the restoration in 1470 of Henry VI., who granted him a new patent. Dugdale does not introduce his name among the barons ap-

[1] Dugdale's Orig. 46. [2] Cal. Inquis. p. m., iv. 341.

[3] Wotton's Baronet. ii. 381.; Burke's Ext. Baronet. 150.; Stow's London, Thoms' ed, 139.

pointed on the return of Edward in the following year. He died between that date and 1476, when his widow, Elizabeth, made her will, and died in the next year. By it we learn that they left a son Thomas and two daughters; and that he possessed property at Wendover, in Bucks, and also in the counties of Northampton, Bedford, and Huntingdon. He was buried in the church of St. Bartholomew, in Smithfield.[1]

DURHAM, BISHOP OF. *See* L. BOOTH.
ELY, BISHOP OF. *See* J. ALCOCK.
ESSEX, EARL OF. *See* H. BOURCHIER.
EXETER, BISHOP OF. *See* G. NEVILL.
EXETER, TREASURER OF. *See* T. KIRKEBY.

FAIRFAX, GUY.

JUST. K. B. 1477.

See under the Reigns of Edward V. and Richard III.

FRYSTON, RICHARD.

? KEEPER, 1470.

FOR more than two months, from March 7 to May 12, 1470, the Great Seal was placed, during the absence of the chancellor, Bishop Stillington, in the custody of Richard Fryston[2], although holding no higher place than that of clerk or master in the Chancery. This probably arose from the illness of the master of the Rolls, Robert Kirkham, to whom, on such occasions, it was commonly entrusted. During the above interval bills in Chancery were addressed to him as keeper[3], and not to the chancellor; although the latter still retained his office, and received the Seal back from Fryston's hands on May 12.

[1] Dugdale's Chron. Series; Testamenta Vetusta, 342.
[2] Rot. Claus. 10 Edw. IV., m. 11.
[3] Introduction to Proceedings in Chancery, temp. Eliz., vol. i.

We find Richard Fryston named as a clerk of the Chancery so early as January, 1450[1]; and that he continued to act in the same character after he gave up the Seal, and so late as 12 Edward IV., 1472.[2]

HUSEE, WILLIAM.

Ch. K. B. 1481.

See under the Reigns of Edward V. and Richard III.

JENNEY, WILLIAM.

Just. K. B. 1477.

See under the Reigns of Edward V. and Richard III.

ILLINGWORTH, RICHARD.

Ch. B. E. 1461.

See under the Reign of Henry VI.

Richard Illingworth was of a Nottinghamshire family, seated at Kirkby Wodhouse, and possessed of considerable property in that county. Some of his lands which he had forfeited for amortising them without licence were regranted to him in 1461.[3] He practised at the bar at the latter end of the reign of Henry VI.; his name appearing in the Year Books from Easter in the thirty-third year. On September 10, 1462, 2 Edward IV.[4], he was appointed chief baron of the Exchequer in the room of Sir Peter Arderne, whose double office of chief baron and judge of the Common Pleas was probably found inconvenient. He was afterwards knighted, and continued in this place till the restoration of Henry VI., 1470, by whom he was not removed: but as soon as Edward IV. resumed the crown he was superseded by Sir Thomas Urswick, the recorder, who had been mainly instrumental in procuring Edward's admission into London.

[1] Rot. Claus. 28 Hen. VI., m. 7.
[2] Rot. Parl. v. 227—571., vi. 3.
[3] Cal. Rot. Pat. 299.
[4] Rot. Parl. v. 528.

He had a licence from Henry VI. to enclose 200 acres of the forest of Sherwood close to his property at Hardwick, Hardwickcloses, and Akbridge, and large grants of land in that county from Edward IV., all of which were excepted from the various acts of resumption passed in that reign.

His death occurred in 1476, five or six years after his retirement; and he as well as two of his sons, Ralph and Richard, were buried or had monuments in the church of St. Alban, Lad, or Ladle Lane, Cripplegate, in which ward, in the neighbouring parish of St. Giles, he possessed a house, where he died. One of his daughters, Ellen, married a grandson of Chief Justice Sir William Babington; and another, Agnes, became the wife of William Ashby, of Loseby Hall.[1]

INGOLDESBY, JOHN.

B. E. 1462, 1470.

THE family of John Ingoldesby was seated in the parish of that name in the county of Lincoln. He does not seem to have practised at the bar, and probably held some inferior office in the Exchequer before he was raised to the bench of that court. His first patent as a baron is dated November 4, 1462, 2 Edward IV.; but in less than five years he was removed from his seat to make way for Ralph Wolseley, who superseded him on September 29, 1467. In the following year, however, Ingoldesby received a new grant of the office for life in reversion on the next death or resignation; and he in his turn superseded Wolseley on June 14, 1470. Henry VI. was restored in the following October, and Ingoldesby's name was omitted in the new patent; nor is there any appearance in the published records of his having resumed his seat on the return of Edward IV.

His descendants were afterwards established at Lethen-

[1] Cal. Inquis. p. m., iv. 305. 375.; Rot. Parl. v. 472. 528. 584.; Stow's London, Thoms' ed. 111.; Burke's Landed Gentry, 1567.; Collect. Topog.

borough, in the county of Buckingham; and several of them made themselves prominent on the side of the parliament in the time of the rebellion, being connected by marriage with the protector, Cromwell. One, however, Henry, on Cromwell's death, deserted that side, and aided in the restoration of Charles II. who on August 30, 1660, created him a baronet. The title became extinct in 1726, on the death of his grandson, the third baronet.[1]

KIRKEBY, THOMAS, Treasurer of Exeter.

M. R. 1461.

See under the Reign of Henry VI.

Thomas Kirkeby was one of the masters in Chancery; and mention is made of him in that character from 18 Henry VI., 1439, as a receiver of petitions in the parliament then held, and also in every succeeding one until the twenty-fifth year. During part of that period he acted as clerk of the parliament; and in the latter year, on March 29, 1447, he received a grant of the office of master of the Rolls in reversion after the death of John Stopindon[2]; and probably came into possession before May 25 following, when Stopindon's successor in the Archdeaconry of Dorset was collated. He deemed it prudent, however, after his predecessor's death, to have a new patent, which is dated January 26, 1448, when the grant was made to him for life.[3] He retained his place during the remainder of Henry's reign; and on the accession of Edward IV. had a new grant, which was only "quamdiu se bene gesserit." In little more than nine months he made way for Robert Kirkham, who succeeded him on December 23, 1461.[4] That

[1] Dugdale's Chron. Ser.; Grandeur of the Law (1684); Burke's Ext. Baronet.

[2] Rot. Parl. v. 3—128. 317. 447. [3] Rot. Pat. 26 Hen. VI., p. 1. m. 24.

[4] Ibid. 1 Edw. IV., p. 3. m. 15.

he was not dead at the time is shown by the patent to the latter, to whom he is directed to give up the Rolls; nor did his decease occur till 1476, at which time he was in possession of the ecclesiastical preferment of treasurer of Exeter Cathedral.[1]

KIRKHAM, ROBERT.

M. R. 1461. ? KEEPER, 1467.

See under the Reign of Henry VI.

THE name of Robert Kirkham occurs as a master in Chancery on April 2, 1454, when the Great Seal was delivered to he Earl of Salisbury as chancellor.[2] He acted as a trier of petitions till the end of that reign; and nine months after the accession of Edward IV. he superseded Thomas Kirkeby as master of the Rolls, his patent bearing date December 23, 1461.[3] Twice during the absence of the lord chancellor, George Nevill, Bishop of Exeter, the Great Seal was placed in his custody, extending on the first occasion from Aug. 23 to October 25, 1463[4], and on the last from April 10 to May 14, 1464.[5] When the Seal also was eventually taken away from Nevill on June 8, 1467, it was again put into Kirkham's hands to transact the business of the Chancery. Although called keeper in the record, it was in a very restricted sense; for he was to act only in the presence of two lords and two knights[6], and to deliver the Seal to one or other of them every day when the sealing was finished. This lasted till June 20, when Bishop Stillington was appointed chancellor. Kirkham certainly continued master of the Rolls till the restoration of Henry VI. on October 9, 1470; and it would seem that he was not removed during the four follow-

[1] Le Neve, 91. 281.
[2] Rot. Claus. 32 Hen. VI., m. 8.
[3] Rot. Pat. 1 Edw. IV., p. 3. m. 15.
[4] Rot. Claus. 3 Edw. IV., m. 3.
[5] Ibid. 4 Edw. IV., m. 9.
[6] The Earl of Essex, Lord Hastings, Sir John Fogge, and Sir John Scotte; Rot. Claus. 7 Edw. IV., m. 12.

ing months; for his successor, William Morland, was not appointed till February 12, 1471. It appears probable that he had been for some time ill, as the Seal was not placed in his but in Richard Fryston's hands from March 7 to May 12, 1470, during the absence of Chancellor Stillington. This perhaps was the cause of his not being disturbed in his office by Henry VI.; and as he was not restored to it when Edward IV. resumed the throne, it is not unlikely that he died just before Morland's appointment.

LAKEN, WILLIAM.

Just. K. B. 1465.

See under the Reign of Henry VI.

The family of Laken, or Lacon, seated at Willey, in Shropshire, was opulent and well connected. William was the son of Sir Richard Laken, knight, by Elizabeth, the daughter and heir of Sir Hamond de Peshall of the county of Stafford, knight, and widow of Henry Grendon. We have no account of his early life, nor is he mentioned in the Year Book as an advocate until Michaelmas, 31 Henry VI., 1452. In the February following he was summoned to take upon him the degree of the coif in July, and appears to have enjoyed a very considerable practice. He was one of the commissioners, for raising money for the defence of Calais, for the county of Salop in 33 Henry VI.[1], and was a referee in a case before the parliament of 1 Edward IV.[2] On June 4, 1465, in the fifth year of that reign, he was constituted the fifth judge of the Court of King's Bench, and sat there till the restoration of Henry VI. in 1470, when he was re-appointed; as he was also by Edward IV. on his return in the following year.

He died on October 6, 1475, 15 Edward IV., and was buried at Bray, in Berkshire, where his monumental brass

[1] Acts Privy Council, vi. 242. [2] Rot. Parl. v. 476.

still remains. He married twice: his first wife, Matilda, lies buried in Stone church, near Dartford[1]; his second, Sybella, one of the daughters and heirs of John Syterwalt, of Cleaver, was buried with him at Bray. They left issue which was afterwards widely spread; and he is now represented by Sir Edmund Lacon, Baronet of Norfolk, the third of that title.[2]

LINCOLN, BISHOP OF. *See* T. ROTHERAM.

LONDON, DEAN OF ST. PAUL'S. *See* L. BOOTH.

LYTTELTON, THOMAS.

JUST. C. P. 1466.

THE parish of South Lyttelton, in Worcestershire, is supposed to have given the name to the family from which this celebrated lawyer is descended. Evidences remain of its existence so early as the reign of Henry II.; and a continued descent is traceable from the time of Henry III., when Thomas de Lyttelton became possessed of the manor of Frankley by marriage with the heiress of that property. His grandson Thomas, who was esquire of the body to Richard II. and his two successors, left an only daughter, named Elizabeth, who married Thomas Westcote, of Westcote, near Barnstaple; but as Coke says, "she being fair and of noble spirit, and having large possessions and inheritance from her ancestors, resolved to continue the honour of her name, and therefore prudently, while it was in her own power, provided, by Westcote's assent before marriage, that her issue inheritable should be called by the name of de Littleton."[3] The eldest of their four sons was Thomas, the judge, who accordingly took his mother's name. The other three retained that of their father; and when remonstrated

[1] Hasted's Kent, ii. 397.; where the date, 1408, is manifestly a misprint.

[2] Ashmole's Antiq. of Berkshire, iii. 4.; Brydges' Collins' Peerage, iv. 51.

[3] Preface to Coke's First Inst.

with for doing so, they answered that their elder brother had a fair estate to alter his name, and that they would willingly do the same if he would share it with them. Westcote after his marriage settled at Frankley, and served the office of escheator of Worcestershire in 1450.

Thomas Lyttelton was born at the family seat; and though we know not at which university he was educated, we have Coke's authority — for the books of the society do not go so far back — that his legal studies were pursued at the Inner Temple, and that the subject of his public reading there was the statute of Westminster 2., *De donis conditionalibus*. Although the first mention we have of him in the Year Books is in Easter, 28 Henry VI., 1450, we have evidences that his services as an advocate were sufficiently esteemed five years before to induce a suitor to petition the lord chancellor to assign him as counsel in certain proceedings against the widow of Judge Paston, whom none of the "men of court" were willing to oppose.[1] From this it would seem that his practice was at that time principally in the Court of Chancery; which may perhaps account for the infrequent occurrence of his name in the Year Books, in which Chancery cases are seldom recorded. In 30 Henry VI. he had a grant from Sir William Trussel of the manor of Sheriff Hales, in Staffordshire, for his life, "pro bono et notabili consilio;" affording an example of the manner in which advocates were sometimes rewarded by their opulent clients in those days, when current coin was scarce.

He was called to the degree of the coif on July 2, 1453, and was also appointed steward (or judge) of the Court of Marshalsea of the king's household. His services were soon afterwards further retained by the crown, by granting him a patent as king's serjeant on May 13, 1455.

[1] Paston Letters (1840), i. 8.

Though Dugdale does not state the renewal of his patent on the accession of Edward IV., there is little doubt that he retained his place. We find him in the first parliament of that monarch named as an arbitrator in a difference between the Bishop of Winchester and his tenants[1]; and two years afterwards he was in such favour with the court as to be in personal attendance on the king with the two chief justices on one of the royal progresses.[2] On the next vacancy he was raised to the bench, being constituted a judge of the Common Pleas on April 17, 1466, 6 Edward IV.; and he added a dignity to the law by his learning and impartiality throughout the remainder of his life, uninfluenced by the passions of the contending parties, and unremoved by either of the royal disputants on the two temporary transfers of the crown which he witnessed. In the fifteenth year of Edward IV. he was honoured with the knighthood of the Bath, on the occasion of the Prince of Wales being admitted into that order.

He died, where he was born, at Frankley, on August 23, 1481, the date on his tomb erected by himself in Worcester Cathedral. By his will, which named that as his burial-place, he appointed his good and faithful friend Bishop Alcock the chief director of his affairs.

From his obtaining two general pardons under the Great Seal it has been inferred that he was alternately a partisan of the houses of York and Lancaster, and thus required a double protection. But seeing that the first was granted in 1454, before the civil war had commenced, and while he was in the king's service as judge of the Marshalsea, it seems more probable that the indemnity he then sued for was against any irregular acts he might have committed while he was high sheriff or escheator of Worcestershire, both of which offices

[1] Rot. Parl. v. 476. [2] Paston Letters, i. 175.

we have Collins' authority that he filled; and as to the second grant dated in 1461, when he was in favour with King Edward IV., his desire of a renewal of his pardon must be considered rather as an act of prudent caution at the end of a violent civil convulsion, and the introduction of a new dynasty; a conclusion to which we more readily arrive since we find that the latter was granted to him as "late sheriff of Worcester, or under-sheriff;"[1] the Earl of Warwick being the hereditary high sheriff.

His name is still sacred in Westminster Hall; and his celebrated work, THE TREATISE ON TENURES[2], which Coke describes as "the most perfect and absolute work that ever was written in any human science," and for which Camden asserts that "the students of the common law are no less beholden, than the civilians are to Justinian's Institutes," will ever prevent its being forgotten. The treatise itself is, however, now seldom read without the valuable Commentary of Sir Edward Coke; a production which, as no one would dare to enter the legal arena without fully digesting, has been illustrated successively by the eminent names of Hale, Nottingham, Hargrave, and Butler.

The judge's residence in London was in a capital mansion near St. Sepulchre's church, held under lease from the Abbey of Leicester, which he left to his second son Richard, who was pursuing the same profession, and to whom he addressed his TREATISE. Besides the manors of Frankley and Specheley, in Worcestershire, and other property in that and the neighbouring counties, he died possessed of the manor of Tixhale, in Staffordshire, which he purchased of Sir John Merston, and Rose his wife; and it is well worth while, to any

[1] Chaufepie's Contin. of Bayle, iii. 86.

[2] In his will he says, "Also I wulle, that my *grete English Boke* be sold by myn Executors, and the money thereof to be disposed for my soul." Does he not mean his own work, which, though written in French, he might still call his English Boke, as treating on English Tenures?

one interested in the forms then adopted in levying a fine, to peruse the document in Dugdale's Origines, p. 94., detailing the previous examination of the lady before Chief Justice Prisot.

Sir Thomas greatly enlarged his possessions by his marriage with Joan, one of the daughters and co-heirs of Sir William Burley, of Bromscroft Castle, Shropshire, and widow of Sir Philip Chetwynd, of Ingestre, in Staffordshire. She lived till nearly the age of eighty, and died on March 2, 1505. By her he had two daughters who died unmarried, and three sons, each the progenitor of a noble house.

From William, the eldest, descended Thomas, created a baronet in 1618, whose great-grandson George, the fifth baronet, was chancellor of the Exchequer in the reign of George I., and called up to the House of Peers on November 19, 1757, by the title of Lord Lyttelton, Baron of Frankley. He was the author of several valuable works, among which the most prominent were "The Life of Henry the Second," and "Observations on the Conversion and Apostleship of St. Paul." His son Thomas, notorious for his profligacy, dying without issue, the title became extinct in 1779; but it was re-granted on August 13, 1794, to his uncle William Henry, who in 1776 had been created a peer of Ireland as Baron Westcote, of Baltimore, in the county of Longford; whose grandson now enjoys both titles.

From Richard, the judge's second son, came in the fifth descent, Edward Lyttelton, of Pillaton Hall, in Staffordshire, created a baronet in 1627. This title became extinct in 1812; but the estates devolving on the grandson of the fourth and last baronet's sister, Edward John Walhouse, King William IV. raised him to the peerage on May 11, 1835, by the title of Baron Hatherton, of Hatherton, in the county of Stafford.

The judge's third son, Thomas, was the ancestor of Sir

Edward Lyttelton, afterwards Lord Lyttelton, of Mounslow, in Shropshire, of whom we shall have to speak as lord chief justice of the Common Pleas and lord keeper in the reign of Charles I.[1]

MARKHAM, JOHN.

CH. K. B. 1461.

See under the Reign of Henry VI.

THE descendant from three progenitors who had flourished in the law, and the son of a judge of the Common Pleas in the reigns of Richard II. and Henry IV., John Markham was naturally brought up to the same profession. His father, who bore the same names, died in December, 1409, having previously retired from the bench[2]; and his mother was either Elizabeth, daughter of Hugh Cressy, the first wife; or Milicent, daughter and co-heir of Sir John Bekeringe, and widow of Sir Nicholas Burdon, the judge's second wife, who after his death entered into a third marriage with Sir William Mering, and died in 1419. Thoroton, Wotton, and other authorities make him the son of the latter; but this, unless each wife had a son named John, is contradicted by a writ of dower brought by her after the judge's death against *John*, his son and heir by Elizabeth, his former wife; and the gist of the case depends principally upon that fact.[3]

This occurred in 1410; and whether he was the son of the one or the other wife he must have been very young at the time. We have no account of his early education; and the MS. in the Harleian Collection, No. 1912, which makes him

[1] Wotton's Baronetage, i. 306.; Brydges' Collins' Peerage, viii. 321.; Coke's Prefaee to First Institute.

[2] See antè, p. 173. Lord Campbell, evidently not aware that the chief justice was son of the judge of the Common Pleas, nor that his ancestors in the two previous generations are described by Thoroton as "legis periti," speaks of him as "determined to eclipse his ancestors by following the law."

[3] Year Book, 12 Hen. IV., fo. 2.

a reader of Gray's Inn, is of too little authority to be depended on; the manner in which his name is introduced in it, applying to him his father's legal honours as well as his own, plainly indicating that the compiler was exercising his invention only.

His first appearance in the Year Books as an advocate is in Michaelmas Term, 1430, 9 Henry VI., about twenty years after his father's death. His name occurs occasionally afterwards till Easter, 1440, when he was called to the degree of the coif, from which time he was evidently in full practice. Within four years, having been in the interim employed in the king's service as one of his serjeants, he was raised to the judicial seat in the King's Bench, his patent as a judge of that court being dated February 6, 1444, 22 Henry VI. He steadily performed the duties of this place during the seventeen remaining years of the reign; and though he is described by Fuller as a Yorkist, there is no appearance of his having taken any active part in the civil contest which then troubled the kingdom.

Sir John Fortescue having been present at the battle of Towton on March 29, 1461, had fled with the unfortunate Henry; so that there was a vacancy in the office of chief justice on the accession of Edward IV. This was filled up at the beginning of the next term by the appointment, on May 13, of Justice Markham, whose long service and high legal attainments, rather than any political reason, seem to have pointed him out as a proper successor to the place. He presided in the court with the highest reputation for nearly eight years; when he was superseded on January 23, 1469, by Sir Thomas Billing.[1] The cause of his removal is thus stated by Fuller.[2] "It happened that Sir Thomas Cooke, late Lord Mayor of London, one of vast wealth, was cast

[1] Dugdale's Chron. Series.

[2] Worthies, ii. 207.

before-hand at the court (where the Lord Rivers and the rest of the queen's kindred had pre-devoured his estate), and was only, for formality's sake, to be condemned in Guildhall by extraordinary commissioners in Oyer and Terminer, whereof Sir John Markham was not the meanest. The fact for which he was arraigned was for lending money to Margaret, the wife of King Henry the Sixth. This he denied; and the single testimony of one Hawkins, tortured on the rack, was produced against him. Judge Markham directed the jury (as it was his place, and no partiality in point of law to do,) to find it only misprision of treason; whereby Sir Thomas saved his *lands*, though heavily fined, and *life*, though long imprisoned." Fabian and Holinshed tell the story of the prosecution, but without naming the judge. Stow, however, in his Annals, supplies the deficiency; and Fuller, in his Church History, quaintly says that he has been "unhappy not to find the original record, perchance abolished on purpose, and silenced for telling tales to the disgrace of great ones:" adding, "we must now be contented to write this story out of the English Chronicles; and let him die of drought without pity, who will not quench his thirst at the river, because he cannot come at the fountain."

It speaks highly to the credit of the law at this period, and of those who selected the judges, that two such men as Sir John Fortescue and Sir John Markham should have successively filled the chief judicial seat. Presuming the truth of the story above related, the title of the "upright judge" which he popularly acquired would be naturally given to one who was supposed to have suffered for conscience sake; but we have other evidence to show that his character continued to be esteemed and his authority quoted in after ages. Sir Nicholas Throgmorton, on his trial in 1554, said to his judges, "As to the said alledged four precedents against me, I have recited as many for me, and I would you, my lord chief

justice, should incline your judgments rather after the example of your honourable predecessors, Justice Markham and others, which did eschew corrupt judgments, judging directly and sincerely after the law and the principles in the same, than after such men as, swerving from the truth, the maxim, and the law, did judge corruptly, maliciously, and affectionately." To this Chief Justice Bromley, applying the prisoner's remark to a particular case, answered, "Justice Markham had reason to warrant his doings; for it did appear, a merchant of London was arraigned and slanderously accused of treason, for compassing and imagining the king's death; he did say 'he would make his son heir of the Crown,' and the merchant meant it of a house in Cheapside at the sign of the Crown; but your case is not so." [1]

The story in Fuller of the judge deciding against the lady who had entertained him with a sumptuous dinner does not, as Lord Campbell makes it, apply to Markham, but to a contemporary of the author; who inserts it, illustratively, as "a *modern* and pleasant passage, being privy himself to the truth thereof:" and he lived a century and a half after our chief justice.

The discarded, but not disgraced, judge retired to his seat in Lincolnshire, called Sedgebrook Hall, which he had himself erected, and there in piety and devotion spent the remainder of his life, which terminated in 19 Edward IV., 1479.[2] He was buried in the church there.

By his wife Margaret, daughter and co-heir of Sir Simon Leke, of Cotham, in Nottinghamshire, besides a son, he left a daughter, Elizabeth, who married Richard Stanhope, the ancestor of the present Earl of Chesterfield.[3]

To his son and heir, Thomas, a long line of descendants

[1] State Trials, i. 894.
[2] Cal. Inquis. p. m., iv. 395.
[3] Collins' Peerage, iii. 411.

succeeded, one of whom was created a baronet in 1642; but the title became extinct on the death of its fourth possessor in 1779.[1]

MORTON, JOHN, afterwards BISHOP OF ELY; ARCHBISHOP OF CANTERBURY.

M. R. 1472. ? KEEPER, 1473.

See under the Reign of Henry VII.

MORTON, ROBERT, ARCHDEACON OF WINCHESTER; afterwards BISHOP OF WORCESTER.

M. R. 1479.

See under the Reigns of Edward V., Richard III., and Henry VII.

MOYLE, WALTER.

JUST. C. P. 1461.

See under the Reign of Henry VI.

IT would be unsafe to follow Prince in making Walter Moyle a native of Devonshire, inasmuch as the manor and large demesnes of Stevenstone, in that county, where he had a seat, were not acquired till his marriage with Margaret, the heiress of that property. It is more probable that he was born in Cornwall; as his father, Henry, was the third son of Thomas Moyle, of Bodmin. He was afterwards established at Eastwell, in Kent, and was named a commissioner in that county in 33 Henry VI., 1454, to raise money for the defence of Calais.[2]

On the doubtful authority of the Gray's Inn MS. he is stated to have been a reader in that society. From 19 Henry VI. we find his name in the cases reported in the Year Books. Two years afterwards, February 14, 1443, he was called to the degree of the coif, and in Hilary Term, 1454, is mentioned as one of the king's serjeants. In the parliament that

[1] Wotton's Baronet. ii. 330.; Burke's Ext. Baronet.

[2] Acts Privy Council, vi. 239.

sat about that time he was sent by the Lords to announce their decision to the Commons in the matter of the speaker, Thomas Thorpe[1]; and on July 9 in the same year, 32 Henry VI., he was constituted a judge of the Common Pleas, where he acted for the next seventeen years; extending through the remaining portion of Henry's reign, the first ten years of that of Edward IV., and the six months in 1470–1 during which Henry re-assumed his seat on the throne.[2] His patent on this last occasion describes him as a knight.

Whether his non-appointment on the return of Edward IV. was occasioned by the act of the king or his own retirement does not appear; probably the latter, as he must have been then considerably advanced in age. He died between December 11, 1479, and July 31, 1480; the former being the date of his will, the latter of the probate. In it he grants two acres of land in Eastwell, in trust for the use of the church there, "in recompence of a certain annual rent of 2lbs. of wax, by me wrested and detained from the said church against my conscience." The estate of Eastwell was carried by one of his female descendants in marriage to the noble family of the Earl of Winchelsea.[3]

NEEDHAM, JOHN.

JUST. C. P. 1461. JUST. K. B. 1471.

See under the Reign of Henry VI.

JOHN NEEDHAM was the second son of Robert Needham, of Cravach, and Dorothy, daughter of Sir John Savage, K. G., of Clifton, in Cheshire; from whose eldest son descended the present earl of Kilmorey. John became common-serjeant of London in 1449, and was elected member for that city in the

[1] Rot. Parl. v. 240. [2] Dugdale's Orig. 46., and Chron. Series.
[3] Hasted's Kent, vii. 392.; Collins' Peerage, iii. 379., viii. 516.; Testam. Vetust. 349.

parliament of the following year. He was called to the degree of the coif on February 1, 1453, 31 Henry VI.; and on July 13 in the next year was appointed one of the king's serjeants. From that time his name appears among the advocates whose arguments are reported in the Year Books, till he was advanced to the bench as a judge of the Common Pleas on May 9, 1457, 35 Henry VI. On the deposition of that monarch, Edward IV. continued him in his place; and he was still there at the end of ten years, when Henry was restored in October, 1470. It is a clear proof that at that time politics little influenced the legal appointments, since we find not only that he was included in Henry's new patent to the judges of the court, but that after Edward's return in the following April he was removed into the Court of King's Bench. He acted as a trier of petitions in the parliaments of the twelfth and seventeenth years of Edward IV.; and his judgments are recorded in the Year Books as late as Hilary Term in the eighteenth year, 1479. He was knighted by Henry VI.; and Philipps says, that he had a seat at Shevington, or Sheinton, in Shropshire, and was chief justice of Chester.[1]

NEELE, RICHARD.

Just. C. P. 1471.

See under the Reigns of Henry VI., Edward V., Richard III., and Henry VII.

NEVILL, GEORGE, Archdeacon of Northampton; Bishop of Exeter; Archbishop of York.

Lord Chanc. 1461.

See under the Reign of Henry VI.

We have already noticed among the chancellors of Henry VI. Richard, Earl of Salisbury. George Nevill was his youngest

[1] Dugdale's Orig. 46.; Rot. Parl. vi. 3. 167.; Grandeur of the Law (1684), 31.; Burke's Peerage, 568.

son; and being designed for the Church, was educated at Baliol College, Oxford, of which university he was afterwards chancellor. One of the first acts of the council, after the earl's acceptance of the Seals, was to recommend his son to the first vacant bishoprick, although he was not yet twenty-two years of age. In the meantime he was collated Archdeacon of Northampton on August 17, 1454[1], and ordained priest on December 21. The Bishoprick of Exeter became void before the close of the following year; and though the earl had been removed from the chancellorship, he and his son Richard, Earl of Warwick, had such ascendancy, that the king felt it necessary to press the appointment of George Nevill instead of John Hals, whom he had previously recommended to the court of Rome. The election of Nevill accordingly took place, and the temporalities were given up to the new bishop on March 21, 1456[2]; but the pope would not permit him to be consecrated till he had attained the age of twenty-seven.

He presided over that diocese about nine years, during which he completed the chapter house which his predecessors had commenced. In the meantime the Duke of York, aided by the bishop's father and brother, was disturbing the kingdom rather by the suggestion than the assertion of his claims to the crown. The first battle of St. Alban's had been fought with little real result; the king's temporary imbecilities were alternated, and in part remedied, by the queen's energy and activity; and an apparent accommodation was made between the rival parties, to be shortly followed by a renewal of hostilities, with the defeat of the Yorkists, and their attainder in the parliament at Coventry, on November 20, 1459, 38 Henry VI. There is nothing to show that the bishop took any active part in these contests up to this time: on the

[1] Le Neve, 162.

[2] Rymer, xi. 376.

contrary, in this parliament he joined the other prelates and peers in renewing the oath of allegiance to the king.[1]

But soon the scene was changed by the vigour of the Earl of Warwick. In little more than six months the fatal battle of Northampton placed the king in the hands of his enemies; who, taking care to have their friends about him, obliged him to nominate Bishop Nevill as his chancellor. Accordingly on July 25, 1460[2], fifteen days after the battle, he received the Seal, and took it home to his house in St. Clement Danes; being that which was afterwards called Essex House, on the site of which Essex Street and Devereux Court now stand. In the next parliament the duke openly claimed the crown; an illusory compromise was arranged; the civil war again broke out, resulting in the death of the claimant, and the momentary triumph of the royalists in the fields of Wakefield and St. Alban's; but succeeded within five days by the successful entry of the Earl of Warwick into London, and in less than a fortnight by the proclamation, on March 4, 1461, of Edward, the duke's son, as king.

Six days after this event the bishop took the oath as chancellor to Edward IV.[3] For the next six years he uninterruptedly retained the Great Seal; during which he was raised to the Archbishoprick of York on the death of William Booth. He received the temporalities of the province on June 17, 1465, 5 Edward IV., about the time when King Henry was betrayed by the servants of Sir John Harrington, and conveyed from Yorkshire to the Tower of London. A coolness had already commenced between King Edward and the Nevills, arising from the precipitancy with which the relatives of the new queen were advanced, and the jealousy created by their sudden rise, and by the powerful influence they acquired. This feeling became more apparent by the

[1] Rot. Parl. v. 349. 351.
[2] Rymer, xi. 473.
[3] Rot. Claus. 38 Hen. VI., m. 7.

Earl of Warwick's resistance to the marriage of Margaret, the king's sister, to Charles, the son of the Duke of Burgundy, which the Wydevilles had suggested: and the earl was further disgusted by being sent to negotiate a pretended treaty for a union with one of the French princes, which he soon found was never intended to be effected.

During the earl's absence in France a parliament was held, from which for the first time the chancellor absented himself. Five days afterwards, June 8, 1467, the king went to his house and demanded the Great Seal[1]; which within a fortnight was given to Stillington, Bishop of Bath and Wells. The act of resumption, however, passed in this parliament, excepted all the grants which had been made to Nevill.[2] In the course of the next year he was instrumental in promoting a reconciliation between his brother the earl and the king, and for his good services therein he was rewarded with the manor of Penley and other lands in the counties of Hertford and Buckingham.[3]

This reconciliation could scarcely be expected to be permanent. In disobedience to the king, Warwick soon after gave his daughter in marriage to the Duke of Clarence, the king's brother; and the archbishop accompanied them to Calais to solemnize the nuptials. Thus united to the duke, the Warwick faction, taking advantage of a rising soon after under Robin of Redesdale, in Yorkshire, vented its animosity against the Wydevilles by executing the queen's father and brother; and proceeded with such spirit, that King Edward, in 1469, found himself a prisoner to the duke, the earl, and the archbishop at Olney (Oundle), and was thereupon placed for security in the custody of the latter at Middleham. How the king obtained his release from confinement is somewhat doubtful; but the better opinion seems

[1] Rot. Claus. 7 Edw. IV., m. 12.
[2] Rot. Parl. v. 571. 604. 607.
[3] Rymer, xi. 640.

to be that it was with the consent of Warwick, who proved that he had not yet cast off his allegiance to Edward by attacking and defeating Sir Humphrey Nevill on his raising the standard for King Henry. The archbishop, who had treated the king with the greatest courtesy during his detention, accompanied him towards London, but, perhaps for decency sake, stopped at his seat, the Moor, in Hertfordshire[1]; while the king issued a general pardon to all concerned in the outbreak.

Apparently restored to favour, the archbishop had invited the king in the following February, 1470, to meet Clarence and Warwick at an entertainment at the Moor; but a hint, whether true or false is uncertain, being whispered in the royal ear that treachery was intended, the king revived the dissensions by secretly departing from the house. Though peace for the moment was with difficulty restored, Clarence and Warwick soon flew to arms, and were declared traitors. Escaping from England, they joined Queen Margaret at Angers; and prevailing on her to overlook the past, she agreed to accept their services, and to cement the union by marrying her son Prince Edward to Warwick's daughter, Anne. They then sailed for England; and within a month they had compelled Edward to leave its shores, and restored King Henry to the throne from which they had assisted in expelling him ten years before.

Henry's first instrument in the Fœdera is dated October 9, 1470[2], which is generally considered the commencement of the restoration. That Archbishop Nevill, as was natural under the ministry of his powerful brother, was restored to his former office of chancellor there is no doubt; for though the record of his appointment does not exist, his name appears with that designation in three several documents, dated

[1] Paston Letters, ii. 6.

[2] Rymer, xi. 661.

respectively December 20, 1470, and February 13 and 16, 1471.[1] He was also rewarded with the grant of the manors of Wodestoke, Hangburgh, Wotton, and Stonefield, and the hundred of Wotton for life. But even these favours could not make him more faithful to his brother Warwick than he had before shown himself first to King Henry and then to King Edward. The latter soon re-appeared on the scene to reclaim the kingdom; and the city of London and the person of Henry being entrusted to the archbishop, Edward found means, by tempting the prelate's avarice or exciting his fears, to secure his treacherous assistance. Edward marched to the capital, where the recorder Urswyke, by the archbishop's order, admitted him on April 11 through a postern in the walls; and Henry, who had been purposely kept out of sanctuary, became again the prisoner of his rival. Two days after, the archbishop, regardless of the ruin in which he involved his brother, took the oath of fidelity to Edward on the sacrament at St. Paul's Cross, and immediately received a full pardon for all offences he had previously committed.[2] It would seem, however, from a passage in a letter of Sir John Paston who fought for King Henry at Barnet on the next day, that the archbishop was then a prisoner in the Tower. This might perhaps have been done as a cover to his treason, the same letter mentioning that he was in possession of a pardon[3]; or perhaps Edward could not trust him at large when leaving London on so momentous an expedition.

The successful battles of Barnet and Tewkesbury, and the murders of King Henry and his son, having secured the throne to Edward, that monarch took an early opportunity

[1] Rymer, xi. 672. 681. 692.

[2] Ibid. 709, 710. The first of these is the pardon; the date of which, "*decimo* die Aprilis," is manifestly an error; as it pardons all offences "ante *tertium decimum* diem Aprilis."

[3] Paston Letters, ii. 60.

of getting rid of the archbishop, whose fidelity we cannot be surprised that he doubted. Under the mask of friendship he had agreed to hunt at the Moor with the prelate, who accordingly prepared a magnificent entertainment, embellished with all the plate he possessed, besides much that he had borrowed to do honour to the occasion. But on the day before he was summoned to the king's presence, and immediately imprisoned on a pretended charge; the riches which he had thus foolishly exposed were confiscated, and the revenues of his bishoprick seized into the king's hand. In the list of the plunder a magnificent mitre is mentioned, the jewels of which were so large and precious, that they were appropriated by the king to form a crown for himself. His confinement, which was sometimes in Calais and sometimes at Guisnes, lasted for about three years; but eventually, through the intercession of his friends, he procured his release, and returned to England on December 19, 1475. He did not long survive his liberation. Although only in the prime of life, he sunk under his disgrace; and dying at Blithlaw on June 8, 1476, was buried in his own cathedral without tomb or gravestone.

That he was much straitened in his circumstances after his return appears from a letter, written apparently a month before his death, in which he sends to Sir John Paston, who had relieved him in his difficulties, 20*l.*, "praying you to spare me as for any more at this time."[1]

He is spoken of as a patron of scientific men; but no literary character can counteract the unfavourable sentence which every honest man must pronounce against him, on the manifest proofs which his life offers of fickleness, deceit, and treachery.[2]

[1] Paston Letters, ii. 46.

[2] Godwin de Præsul. 413. 693.; Lingard; Drake's Eborac.

NORTHAMPTON, ARCHDEACON OF. *See* G. NEVILL.

NOTTINGHAM, WILLIAM.

CH. B. E. 1479.

See under the Reign of Edward V.

RICHMOND, ARCHDEACON OF. *See* L. BOOTH.

ROCHESTER, BISHOPS OF. *See* T. ROTHERAM; J. ALCOCK.

ROTHERAM, alias SCOT, THOMAS, PROVOST OF BEVERLEY; BISHOP OF ROCHESTER, AND LINCOLN; ARCHBISHOP OF YORK.

LORD CHANC. 1474.

See under the Reign of Edward V.

ROUCLIFFE, BRIAN.

B. E. 1461.

See under the Reigns of Henry VI., Edward V., Richard III., and Henry VII.

ST. MARTIN'S, LONDON, DEAN OF. *See* R. STILLINGTON.

STATHAM, NICHOLAS.

? B. E.

IN Dugdale's Chronica Series the name of Nicholas Statham is inserted as second baron on October 30, 1467, 7 Edw. IV.; and in that author's Origines Juridiciales, p. 249., he appears as a reader of Lincoln's Inn in Lent, 1471, 11 Edward IV. The latter entry seeming to contradict the former, and evidence appearing that John Clerke was second baron both before and after the date assigned for Nicholas Statham, a strong suspicion could not but arise that Dugdale had com-

mitted an error, which on inspection of the record turns out to be the case. The patent is not a grant of the office of second baron in possession, but only in reversion on the death or surrender of John Clerke.[1] As the date of John Clerke's death is not known, and as Statham's name is never mentioned afterwards, we are uncertain whether he ever filled the office. All we know is, that either on his or on Clerke's death Thomas Whitington was appointed second baron on February 3, 1481, 20 Edward IV.

Although he never once is mentioned in the Year Books, an abridgment of the cases reported in them to the end of the reign of Henry VI., being the first attempt at a work of that nature, goes under his name. The book was published about 1519 by R. Pynson, whose imprint is at the foot of the introductory table; but the body was printed at Rouen by W. Tailleur, whose device is at the end of the volume. There is no title or prefatory notice by which the author can be certainly identified.

STILLINGTON, ROBERT, Archdeacon of Taunton, Berks, and Wells; Dean of St. Martin's, London; Bishop of Bath and Wells.

Lord Chanc. 1467.

Robert Stillington was the son of John Stillington, Esq., probably of the place of that name, in Yorkshire, who possessed property at Nether Acaster, a short distance from York, of which city one of his progenitors was bailiff in 1388.[2] He became a student of the college of All Souls in the university of Oxford, where he took the degree of doctor in both laws. His first ecclesiastical preferment was a canonry in the cathedral of Wells in 1445; which was quickly followed by the treasurership of the same church in 1447; the rectory of

[1] Rot. Pat. 7 Edw. IV., p. 2. m. 17.

[2] Drake's Eboracum, 361.

St. Michael, Ouse Bridge, in York, in 1448; and the Archdeaconry of Taunton in 1450. He became a canon of York in 1451; Dean of St. Martin's, London, in 1458; Archdeacon of Berks in 1463, and of Wells in 1465; and lastly, Bishop of Bath and Wells on January 11, 1466. Many if not all of these preferments he owed to the patronage of the house of York, to which he was strongly attached. On their attaining power at the end of the reign of Henry VI. he was appointed keeper of the Privy Seal, receiving 20*s.* a day for his salary[1]; and in the acts of resumption passed in the early parliaments of Edward IV. the grants made to him in this character, and also as Dean of St. Martin's, are all excepted in his favour.[2]

On the removal of Archbishop Nevill he was appointed lord chancellor, receiving the Great Seal on June 20, 1467.[3] The parliament which was then sitting was adjourned by him as chancellor on July 1; and on May 17 in the following year he announced to it the royal intention to recover the kingdom of France[4]; a project, however, which the dissensions at home prevented the king from attempting. The bishop was still chancellor when Warwick succeeded in replacing Henry on the throne; and during the few months of the restoration we have no precise account of his conduct, with the exception that the Great Seal was taken out of his hands and put into those of Archbishop Nevill. That it was not offensive to Edward IV. we may presume from his being still in the office of chancellor at the next parliament in October, 1472, although absent on account of illness[5]; but that he had some suspicion that it might be questioned if too closely

[1] Devon's Issue Roll, 484. July 28, 39 Henry VI., is stated to be the date of his appointment; but this is clearly an error, as Henry's 39th and last year extended only from September, 1460, to March 4, 1461, so that there was no such day in it.

[2] Rot. Parl. v. 470. 578.

[3] Rot. Claus. 7 Edw. IV., m. 12.

[4] Rot. Parl. v. 618. 622.

[5] Ibid. vi. 3.

investigated, may be collected from his obtaining in the previous February a general pardon for all crimes committed by him previous to the day of the grant.[1] His illness seems to have continued throughout the first half of the next year, during which temporary keepers were at first appointed; but at last, on July 27, 1475, Laurence Booth, Bishop of Durham, was invested with the office, which Stillington never again recovered. He was still, however, employed by the king; and when the Earl of Richmond (afterwards Henry VII.) escaped from England, and took refuge in the territories of the Duke of Bretagne, the bishop was sent to that prince to demand that the fugitive should be given up. He failed in his embassy; and we hear no more of him during the remainder of the reign than that he was a trier of petitions in the parliament of the seventeenth year[2]; and that in the eighteenth, for some unexplained cause, he received a new patent of pardon.[3]

From the day of Edward's death Stillington became an adherent of his ambitious brother, Richard, Duke of Gloucester; and though we may charitably hope that he was not a party to or a believer in the usurper's grosser enormities, there is no doubt that he drew up the act by which the children of Edward IV. were bastardised; that he assisted at the coronation of Richard; and that he gave him every aid and countenance throughout his troublous reign. So devoted a partisan of the Yorkists was not likely to be looked upon with much favour by Henry VII. On the very day of the battle of Bosworth, August 22, 1485, the king issued a warrant for his apprehension; and on August 27 he was already in prison at York, "sore crased by reason of his trouble and carying."[4] He succeeded, however, before the end of the year in obtaining his full pardon from the king;

[1] Rymer, xi. 736.
[2] Rot. Parl. vi. 167.
[3] Rymer, xii. 66.
[4] Drake's Eboracum, 122.

who, when the act of bastardy was repealed, refused on that account to call him before the parliament to answer for its composition, although pressed by the lords to do so.[1] He was, however, deprived of the Deanery of St. Martin's; and the act that ousted him, after a flourish about the impropriety of benefices being held in augmentation of bishopricks, speaks of "the horrible and haneous offences ymagined and doune by" him against the king.[2]

His escape on this occasion does not seem to have rendered him more cautious in his future conduct. He became implicated in the absurd attempt of Lambert Simnel in 1487; was discovered, and committed to the castle at Windsor, where he remained a prisoner for nearly four years, and died there in May, 1491, without that pity which is usually afforded to a sufferer for political crimes. Whatever merit he might claim as a supporter of the house of York he forfeited by his abject desertion of the children of his patron.

In the reign of Edward IV. he founded the collegiate chapel of St. Andrew, at Acaster, or Nether Acaster, for a provost and fellows, building it on property which had belonged to his father; and in 1 Richard III.[3] he procured a confirmation of the grant of land he had made to it.[4]

TAUNTON, ARCHDEACON OF. *See* R. STILLINGTON.

URSWYKE, THOMAS.

CH. B. E. 1471.

URSWICK, a parish in Lancashire, was probably the place from which this family originally came. We have no account, however, of the lineage of the chief baron. The first we hear of him is as common-serjeant of the city of London,

[1] Year Book, 1 Hen. VII., 5.
[2] Rot. Parl. vi. 292.
[3] Ibid. 256.
[4] Angl. Sac. i. 574.; Godwin de Præsul. 382.; Le Neve, 33. 44. 47. 279.

from which he was raised to the office of recorder in 1455.[1] In that character he was one of those named in the commission to try treasons at Guildhall in July 1460, when Sir Thomas Brown was convicted.[2] In the following year, after the queen had gained the second battle of St. Alban's, and was advancing to London, the mob prevented the lord mayor from sending her a supply of provisions, and deputed Urswyke, with the Duchess of Bedford and some bishops, to make his excuses, and to give her Majesty hopes of being received into the city as soon as the people were appeased.[3] The recorder willingly announced the stoppage of the supplies, but no doubt did not participate in the encouragement held out. A strong partisan of the Yorkist faction, he knew its power within the walls, and rejoiced to see the Earl of March enter them shortly after, and mount the throne as Edward IV.

In the first parliament of the new king he was returned as the representative of the city; and again in 1467, when he was one of the members selected to investigate the silver coinage.[4] He still held the recordership when Henry VI. re-assumed the crown; but, retaining his loyalty to Edward IV., he showed his devotion to that prince by admitting him through a postern gate into the city before the battle of Barnet, when the slightest impediment might have given time for Warwick's army to arrive, and thus have brought about a different consummation. King Henry and the Archbishop of York were at the Bishop of London's palace, and had ridden through the streets to urge "the peple to be trew unto hym;" to which the chronicler adds; "Nevere the latter, Urswyke, recordere of Londone, and diverce aldermen, such that hade reule of the cyte, commaundede alle the peple that were in harnes, kepynge the cite and Kynge Herry, every manne to goo home to dynere;

[1] The Hon. C. E. Law's List.
[2] Rot. Parl. vi. 19.
[3] Rapin, iv. 505.
[4] Rot. Parl. v. 634.

and in dyner tyme Kynge Edwarde was late in, and so went forthe to the Bisshoppes of Londone palece, and ther toke Kynge Herry and the Archebisschoppe of Yorke, and put theme in warde, the Thursday next before Ester-day."[1] In the middle of May the recorder, "being well armed in a strong jacke," did good service in repelling the forces of the bastard Fauconbridge which in their attempt upon London had assaulted Aldgate.[2]

Urswyke was immediately knighted; and soon after Edward had re-established himself on the throne he received a more substantial reward for his timely assistance by being made chief baron of the Exchequer on May 22, 1471[3], the very day of Henry's death in the Tower. He then resigned the recordership, in which he was succeeded by Humphrey Starkey.

Although, filling the office of recorder, he must have been brought up as a lawyer, it is evident that he held no eminent rank in his profession, as his name never once occurs in the Year Books before he was advanced to the bench. Even then he does not seem to have taken a prominent part in the judgments in the Exchequer Chamber there recorded, being only mentioned in four terms, in the fifteenth and sixteenth years, during his continuance in office.

He presided over the Court of Exchequer eight years, and died in the commencement of 1479. By the inquisition taken on his death, it appears that he was possessed of the manors of Markes and Doneres, in Essex, with various lands and messuages in different parts of that county.[4]

WELLS, ARCHDEACON OF. *See* R. STILLINGTON.

[1] Warkworth Chron. 15. 21.
[2] Holinshed, iii. 323.
[3] Dugdale's Chron. Series.
[4] Cal. Inquis. p. m., iv. 397.

WHITINGTON, THOMAS.

B. E. 1481.

See under the Reign of Edward V.

WINCHESTER, Archdeacon of. *See* R. Morton.

WOLSELEY, RALPH.

B. E. 1467, 1478.

See under the Reigns of Edward V. and Richard III.

WORCESTER, Bishops of. *See* J. Alcock; R. Morton.

YELVERTON, WILLIAM.

Just. K. B. 1461.

See under the Reign of Henry VI.

The Yelvertons were an ancient family, established in the reign of Edward II., in Norfolk, but apparently previously settled in Dorsetshire. Sir William was the son of John Yelverton, of Rackheath, in the former county, Recorder of Norwich in 1403, by his second wife, Elizabeth, daughter and heir of John Read, of Rougham, and widow of Robert Clere, of Stokesby. If we are to believe the Gray's Inn MS. in the Harleian Collection, Yelverton was a reader of that society; but reasons have been already stated for not placing full reliance on its early lists. Although his name is not mentioned in any case reported in the Year Books before Michaelmas, 18 Henry VI., 1439, the year in which he was called to the degree of serjeant-at-law, there is little doubt that he had been for some time in full practice; which was probably confined to the Court of King's Bench, where serjeants did not usually attend, and to his native county. In 1427 he was one of the justices of the peace in Norwich; and he held the office of recorder of that city from 1433 to

1450. We find him appointed one of the arbitrators in a cause in which the Duke of Norfolk was a party [1]; and in the sixteenth year he acted with four judges and others as a commissioner at Ipswich to enquire into certain transgressions which a merchant of Haarlem was charged with committing in the port of Southwold.[2]

In the parliament of 14 Henry VI. he was returned as member for Yarmouth; but after his attainment of the coif it does not appear that he was again elected.

He was appointed a judge of the King's Bench some time in 1443, 21 Henry VI.[3], and sat there till the deposition of that monarch. Edward IV. not only continued him in his place, but created him a knight of the Bath previous to the coronation.

Although he afterwards was attached to Edward's interests, he probably at this time, like most of his brethren, owed his quiet seat on the bench to the disinclination of the new king to risk the removal of such judges as performed their duties efficiently; while of the knighthood we have this curious account in a private letter of the time: "Yelverton is inbilled [to be knighted], which caused Markham; because Yelverton looked to have been chief judge, and Markham thinketh to please him thus." [4]

It seems probable, indeed, that soon after Edward's accession he was suspected of some implication in the late king's affairs; as we are told, by another letter in the same collection from which the above extract is taken, that a Privy Seal had come to him requiring his presence at court, and that he refused to go; and in a subsequent letter we hear that he and Jenney "are like for to be greatly punished, for because they came not to the king." [5] He however must have suc-

[1] Paston Letters, i. 5.
[2] Kal. Exch. iii. 388.
[3] Cal. Rot. Pat. 285.
[4] Paston Letters, i. 131.
[5] Ibid. i. 150. 172.

ceeded in excusing himself, since he still remained on the bench when Henry VI. was replaced on the throne. Although that luckless king included him in the new patents appointing the judges on October 9, 1470, Yelverton appears to have again fallen under suspicion; as Sir John Paston, on November 15, desires his brother to tell him "that he may not appear of a while in no wise,"[1], and promises to send him word when he may. The Year Book, however, proves that he acted as a judge of the King's Bench during some part of the short restoration.

Whether he died or not in that brief interval is uncertain; but on the return of Edward IV. his name was omitted from the list of the King's Bench judges then appointed; and no subsequent mention of him occurs. Weever gives the inscription on his monument at Rougham, but unfortunately the date of his death is omitted. On it he is described "quondam Justic. dom. Regis de suo Banco;"[2] which would seem to imply that he was not so at the time of his death.

The brave and slandered knight Sir John Fastolf was Sir William Yelverton's early patron and lasting friend till his death. There is a letter from Sir William to him, praying his interference with the king, the lord chancellor, and other lords, in case any attempt to injure the judge should be made by certain parties in opposition to him, "that no credence be given to mine hurt in mine absence."[3] He was one of Fastolf's executors in 1459, and was engaged in the violent controversy which arose out of the will. Another letter records the curious and scarcely credible fact, that in one of the proceedings he "came down from the bench and plete the matter."[4]

During the progress of the controversy he is described as

[1] Paston Letters, ii. 57.
[2] Weever, 821.
[3] Paston Letters, i. 12.
[4] Ibid. i. 149.

"the cursed Norfolk justice;"[1] but as this is the expression of an antagonist, it decides little as to his character. That seems to have been remarkable for its energy; and mention is made of the "thank he had of the king (Edward, in 1462), at Cambridge, for cause he declared so well the charge of extortion done by sheriffs and other officers, &c., for the which declaration the king took him by the hand, and said he cowde him great thanks, and prayed him so to do in this country (Norfolk)."[2] An earlier letter in the same correspondence shows that he was tainted with the superstitious credulity of the time. Speaking of Our Lady's house at Walsingham, he says, "for truly if I be drawn to any worship or welfare, and discharge of my enemies' danger, I ascribe it unto Our Lady."[3]

His wife Agnes, daughter of Sir Oliver le Gross, of Croswick, Norfolk, and apparently widow of John Rands, survived him, and died in 1489. Sir William's descendant in the fifth generation was father to Sir Christopher Yelverton, of whom we shall have occasion to speak in the reigns of Elizabeth and James I. as a judge of the Court of King's Bench. Sir Christopher's elder brother, Henry, was the father of William Yelverton, of Rougham, who was made a baronet in 1620; but the title became extinct in 1649 by the death of the third possessor unmarried.[4]

YONGE, THOMAS.

JUST. C. P. 1467. JUST. K. B. 1475.

SEVERAL of the ancestors of Thomas Yonge were merchants of Bristol, in such high estimation as to be elected representatives of that city from the reign of Edward III. His

[1] Chandler's Life of Waynflete, 101. [2] Paston Letters, i. 151.
[3] Ibid. i. 10.
[4] Dugdale's Chron. Series; Brydges' Collins' Peerage, vi. 620.; Blomefield's Norwich, i. 125—156.

father, also named Thomas, was mayor of Bristol in 12 Henry IV., and died in 1427, 5 Henry VI. The maiden name of his mother, Joan, is not known. He was the elder of two brothers, the younger of whom, John, was member for London in 33 Henry VI.; lord mayor of that city in 4 Edward IV.; and was knighted on the king's return from the battle of Tewkesbury in the eleventh year of his reign.

Although the books of the Middle Temple do not commence till a later period, we find from the Year Book that he was a member of that society, or, as it is there called, the "Middel Inne."[1] He represented his native city in seven parliaments from the thirteenth year of the reign of Henry VI. In that of the thirty-third year he moved that, as Henry was without children, the Duke of York should be declared heir presumptive to the crown. The time, however, had not arrived for the duke's partisans to speak out; and the indiscreet member, for this premature exhibition of his zeal, was straightway committed to the Tower.[2] His party having shortly afterwards gained the ascendancy, he petitioned the parliament for damages on account of his imprisonment, which he laid at one thousand marks; and the king was compelled to assent to the prayer, referring it to the lords of his council to provide what should be thought convenient and reasonable.[3]

His attendance in parliament did not prevent his practising at the bar; and the Year Book records his name from 27 Henry VI. The accession of Edward IV. ensured him legal honours; and accordingly in the third year of that reign he was summoned to take the degree of the coif on November 7, 1463, and was appointed one of the king's serjeants on the very next day. On the first opportunity he was raised to the bench, being constituted a judge of the Common Pleas in 7 Edward IV. on the death of Robert Danvers. The

[1] Year Book, 3 Edw. IV., fo. 13.
[2] Rot. Parl. v. 337.
[3] Lingard (1837), v. 141.

date of his patent is not given; but probably it was the same, November 4, 1467, as that by which an annual addition of ten marks was granted to him. The first fine levied before him was in the following February.[1]

Notwithstanding his known attachment to the Yorkists, he was not removed from his seat when Henry VI. was restored to the throne in October, 1470; the advisers of that unfortunate monarch probably deeming it politic to make as little change as possible in the administration of the law. But when Edward IV. returned, at the end of six months, Yonge was superseded, or at least was not re-appointed. That this was more the result of his own choice than of any displeasure felt against him by the king, may be presumed from the fact that in the act of resumption, passed two years afterwards, the grant of an annual ton of wine which had been made to him for his life in 9 Edward IV. was excepted from its operation.[2]

He however resumed the judicial ermine in 15 Edward IV.; being constituted a judge, not of his old court, but of the King's Bench, on April 29, 1475. It is curious, however, that in a case in the Exchequer chamber, in Easter, 14 Edward IV., he is mentioned with the other judges of the King's Bench as giving an opinion on the point in discussion[3]; a circumstance which we cannot explain, except by supposing that the report is placed in a wrong year. He died in the following year, 1476, and was buried in Christchurch, London.[4] By his wife Joan he left several sons, one of whom is believed to have been the John Yonge who was master of the Rolls in the reigns of Henry VII. and Henry VIII.

The descendants of the judge's eldest son, Thomas, after a time settled at Culliton, in Devonshire, and sat in parliament

[1] Dugdale's Orig. 46.
[2] Rot. Parl. vi. 82.
[3] Year Book, 14 Edw. IV., fo. 5. b.
[4] Stow's London (Thoms), 120.

for various places in that county. One of them, John, was among the members excluded by Oliver Cromwell, and joined in the remonstrance they published. In the year following the Restoration he was honoured by the title of baronet, which, after being held by four of his successors, became extinct in 1810 by the death of the right honourable Sir George Yonge.[1]

YORK, ARCHBISHOPS OF. *See* G. NEVILL; L. BOOTH; T. ROTHERAM.

[1] Wotton's Baronet. iii. 334.; Burke's Ext. Baronet. 596.

EDWARD V.

Reigned 2 months and 16 days; from April 9, to June 25, 1483.

SURVEY OF THE REIGN.

THE introduction of the unhappy son of Edward IV. into the list of the kings of England obliges us to appropriate to him a separate chapter, though it can be little more than a record of the same judges who served his father, very few changes of course occurring on the judicial bench during the seventy-seven days to which this nominal reign was limited.

LORD CHANCELLORS.

THOMAS ROTHERAM, Archbishop of York, who was lord chancellor when Edward IV. died on April 9, 1483, clearly kept the Seal for some weeks. The precise date of his removal has never been ascertained; but no document exists with the name of his successor,

JOHN RUSSELL, Bishop of Lincoln, as chancellor, till June 2, 1483. This prelate retained the place till Rich. III. usurped the throne on June 26.

Three days previous to that event, we find in the Year Book that a case was heard before him in Chancery in which he availed himself of the assistance not only of the master of the Rolls, but also of two of the judges, Richard Choke and John Catesby.

Master of the Rolls.

Robert Morton was not removed from the office of master of the Rolls during the ten or eleven weeks of this reign.

The chief and other justices of the King's Bench and Common Pleas of the last reign were all re-appointed in this.

King's Bench.

William Husee, chief justice,
Guy Fairfax, William Jenney.

Common Pleas.

Thomas Brian, chief justice,
Richard Choke, Richard Neele,
John Catesby;
and no change took place in either of these courts.

Chief Barons of the Exchequer.

Although there is no new patent to Sir William Nottingham, the chief baron at the death of Edward IV., it is most probable that he outlived that king; as the name of his successor occurs as an advocate in some of the cases in the Year Book of the eleven weeks of the reign. It is certain, however, that he died very near this period; and we find

Humphrey Starkey appointed on June 15, 1483, just ten days before Edward V. was dethroned.

Barons of the Exchequer.

In the absence of any other evidence, we must presume that these remained as they were left by Edward IV.

Thomas Whitington, Brian Roucliffe,
Ralph Wolseley.

During the short continuance of this troubled reign the circuits proceeded as usual, the Patent Roll containing commissions to the judges for several of them.[1]

ATTORNATI REGIS.

WILLIAM HUDDERSFIELD probably continued attorney-general for the first six weeks; but soon after the Duke of Gloucester was appointed protector he was superseded; and MORGAN KYDWELLY, on May 28, was placed in the office, which was granted to him for life.

KING'S SERJEANTS.

Thomas Tremayle received a new patent, and
John Vavasour, and
Roger Townsend } were appointed on June 15 and 22.

Fifteen pages of the Year Book are devoted to the legal proceedings of this reign, containing fourteen cases in Trinity Term. One of these is the Chancery case already adverted to, which being adjourned to June 25, concludes with this entry: — "On which day Richard Plantagenet, brother of King Edward IV., late King of England, Duke of Gloucester, Protector of England during the tender age of King Edward V., claimed to be King of England, and on the same day proclaimed the day of his coronation; by force of which all the king's courts were discontinued."

[1] Ninth Report, Pub. Rec., Appx. ii. 1, 2.

BIOGRAPHICAL NOTICES

OF

THE JUDGES UNDER THE REIGN OF EDWARD V.

BERKS, Archdeacon of. *See* J. Russell.

BEVERLEY, Provost of. *See* T. Rotheram.

BRIAN, THOMAS.

Ch. C. P. 1483.

See under the Reigns of Edward IV., Richard III., and Henry VII.

CATESBY, JOHN.

Just. C. P. 1483.

See under the Reigns of Edward IV., Richard III., and Henry VII.

CHOKE, RICHARD.

Just. C. P. 1483.

See under the Reigns of Henry VI., Edward IV., and Richard III.

FAIRFAX, GUY.

Just. K. B. 1483.

See under the Reigns of Edward IV. and Richard III.

HUSEE, WILLIAM.

Ch. K. B. 1483.

See under the Reigns of Edward IV., Richard III., and Henry VII.

JENNEY, WILLIAM.

JUST. K. B.

See under the Reigns of Edward IV. and Richard III.

LINCOLN, BISHOPS OF. *See* T. ROTHERAM; J. RUSSELL.

MORTON, ROBERT, ARCHDEACON OF WINCHESTER; afterwards BISHOP OF WORCESTER.

M. R. 1483.

See under the Reigns of Edward IV., Richard III., and Henry VII.

NEELE, RICHARD.

JUST. C. P. 1483.

See under the Reigns of Henry VI., Edward IV., Richard III., and Henry VII.

NOTTINGHAM, WILLIAM.

CH. B. E. 1483.

See under the Reign of Edward IV.

WILLIAM NOTTINGHAM'S property was situated in Gloucestershire, of which he probably was a native. He possessed there, at the time of his death, the manors of Cotes, Saperton, Brode-Rysenden, Wiggewold, and Truesbury, besides many other lands in the county.[1] We have no account of him until he was appointed the king's attorney in the room of John Vampage deceased on June 30, 1452, 30 Henry VI., which office he filled till the end of that reign. In 7 and 13 Edward IV. he is styled "oone of our counseillours" in the acts of resumption then passed, from the operation of which a grant of 40*l.* a year for his life is excepted, until the

[1] Cal. Inquis. p. m., iv. 417.

king had provided him with lands to the value of forty marks annually, or an office the fee or wages of which amounted to 40*l.* a year.[1]

Such a place was provided for him by the death of Chief Baron Urswyke, whom he succeeded on April 3, 1479, 19 Edward IV. He enjoyed it little more than four years, surviving his royal master about two months, a new chief baron being named on June 15, 1483.[2] He was probably knighted on his elevation to the bench. His widow Elizabeth married Richard Poole, who afterwards resided at Cotes, and was high sheriff of Gloucestershire.[3]

ROCHESTER, Bishops of. *See* T. Rotheram; J. Russell.

ROTHERAM, alias SCOT, THOMAS, Provost of Beverley; Bishop of Rochester, and Lincoln; Archbishop of York.

Lord Chanc. 1483.

See under the Reign of Edward IV.

The practice among ecclesiastics of adopting the name of their native place was not yet discontinued, and was adopted by this prelate. His family was named Scot, and resided at Rotheram, in Yorkshire, where he was born on August 24, 1423. His parents, though not in an elevated rank, were sufficiently opulent to send him, after he had received the rudiments of his education in his native county, first to Eton and then to Cambridge; where, in 1444, he was one of the first scholars at King's College after its foundation. He then was elected a fellow of Pembroke Hall, of which he afterwards became master on the death of Archbishop Laurence Booth in May, 1480; and he presided over the university for some time as chancellor.

[1] Rot. Parl. v. 588., vi. 88.
[2] Dugdale's Chron. Series.
[3] Burke's Landed Gentry, 1056.

Having been selected as one of the chaplains of King Edward IV., he quickly acquired the royal favour; and in one year, 1468, was advanced to the post of keeper of the Privy Seal, with the profitable appointment of Provost of Beverley, and a seat on the episcopal bench as Bishop of Rochester. That his talents were not inconsiderable may be presumed from his being sent in the following August as sole ambassador to treat for peace with the King of France.[1]

He remained at Rochester about four years, when he was translated to the richer and more important diocese of Lincoln on March 8, 1472; and two more years had scarcely elapsed before he was raised to the high office of lord chancellor. The record of his nomination not having been found, its precise date is uncertain. Mr. Thomas Duffus Hardy places it shortly after February 25, 1475[2]; but there seems to be evidence to warrant us in introducing him nearly a year earlier. The parliament that met on October 6, 1472, was continued by various prorogations till its dissolution on March 14, 1475; and during that short period of twenty-nine months no less than three chancellors presided in it. Stillington was chancellor at its opening; Laurence Booth prorogued it as chancellor on December 13, 1473, and again on the 1st of the following February; and Thomas Rotheram as chancellor prorogued it on May 28, 1474. The date of his patent must therefore have been between February 1 and May 28, 1474. He acted in the same character at another prorogation and at its ultimate dissolution.[3]

Mr. Hardy refers to some Privy Seal bills, from which he collects that John Alcock, Bishop of Rochester, held the Great Seal in the following year from April 27 to Sep-

[1] Rymer, xi. 625.

[2] Hardy's Catal. 55. I have this gentleman's authority for saying this is a misprint for May 25, 1474.

[3] Rot. Parl. vi. 104. 120. 153.

tember 28, 1475. There are however in Rymer two documents in which Rotheram, Bishop of Lincoln, is designated as chancellor, dated on June 1 and August 13[1], both within that interval; and a letter from Sir John Paston to his brother Edmund, dated at Calais on June 13, 1475, mentions the Bishop of Lincoln as then chancellor.[2] Besides these evidences of his being still in possession of the office, there are a large number of Privy Seals addressed to him in that character during the whole of the time in which the same documents were also addressed to the Bishop of Rochester; some of them, addressed to both, bearing date on the same day. No doubt therefore exists that during the short period in question there were TWO CHANCELLORS. This unusual occurrence, of which no other instance can be found, arose from the Bishop of Rochester being appointed in contemplation of Edward's invasion of France, and of the king's intention that Bishop Rotheram should accompany him in the expedition as chancellor. The delay of the armament for more than two months accounts for this duplication of Privy Seals from various places in England during the months of May and June. On the king's return from the expedition Bishop Alcock's services were no longer required; and the last Privy Seal addressed to him is dated September 28, 1475. Bishop Rotheram then resumed the whole of his official functions, and continued to perform them during the remainder of Edward's reign.

On the peace of 1476 between England and France the chancellor is reported to have received from Louis an annual pension of 2000 crowns[3]; a payment to which no disgrace seems to have been attached, as not only many of the English nobles but even the monarch himself condescended to be pensioners of the French king. Rotheram sat as chancellor

[1] Rymer, xii. 6. 14.
[2] Paston Letters, ii. 93.
[3] Lingard, v. 225.

in the two remaining parliaments of the reign, which met respectively on January 16, 1478, and January 20, 1483[1]; and in the interim he received his highest ecclesiastical dignity; succeeding Laurence Booth as Archbishop of York on September 3, 1480.

On the death of his royal patron, to whom he was zealously attached, the archbishop continued in possession of the Great Seal as chancellor for about five or six weeks; that is to say, for nearly half of the reign of his infant sovereign, Edward V. The coronation of the unfortunate child had been fixed to take place on May 4; but before that day arrived the Duke of Gloucester had obtained possession of his person. To dissipate any fears that might arise from this act, the wily duke sent a messenger to the archbishop assuring him that all would be well. "I assure him," was the answer of the chancellor, "be it as well as it will, it will never be so well as we have seen it." Arming his retainers he forthwith went to the queen in the sanctuary at Westminster, taking the Great Seal with him. This, after giving her what comfort he could, he placed into her hands to the use and behoof of her son; declaring that if they crowned any other king than him, his brother, who was then with the queen, should the next day be crowned. Although he quickly repented of this unauthorised surrender of the Seal, and contrived to get it back on the same night, his devotion to the royal family was not likely to be overlooked by a man of the duke's character. The error he had committed was taken advantage of to remove him from the chancellorship some time in the month of May, 1483; and in a document in the Tower of London, dated June 2, his successor, John Russell, Bishop of Lincoln, is addressed in the young king's name as "our Chancellor."[2]

[1] Rot. Parl. vi. 167. 196.

[2] Hardy's Catal. 55.

A few days afterwards, pursuing his ambitious projects, and to get rid of one who was likely to impede them, the duke consigned the archbishop to the Tower as a prisoner. His confinement, however, was not of long duration, as he was released by the usurper about the time of his own coronation in the following month. The motive erroneously attributed by some for this change in Richard's intentions, is that he wished to employ Rotheram to persuade the queen dowager to consent that her daughter Elizabeth should become his wife. A sufficient contradiction is apparent in the dates, which have no correspondence, Richard's queen not dying till March, 1485.

It is certain that Archbishop Rotheram was at liberty on January 23, 1484, when King Richard's first parliament met, as he was then appointed one of the triers of petitions. Whatever may have been the inducement for his appearance on that occasion, which it is not difficult to understand, we can conceive the pleasure he experienced in performing the same duty less than two years afterwards in the first parliament of Henry VII.[1], and in witnessing the peaceful establishment of the government during the remainder of his life. This terminated, at the age of 76, on May 29, 1500, when he died at Cawood of the plague which then raged, and was buried in a marble tomb he had himself erected in York Cathedral.

The universities of Cambridge and Oxford and the see of York received munificent proofs of his bounty. In Cambridge he erected the library at the east of the schools; in Oxford, by completing Lincoln College, begun by Bishop Fleming, and adding five fellows, he obtained the title of its second founder; and in York, besides making additions to its various archiepiscopal palaces, he presented the church,

[1] Rot. Parl. vi. 238. 268.

among other jewels and ornaments, with a most magnificent mitre, to supply the place of Archbishop Nevill's which had been seized by King Edward. In his native town also he founded a college for a provost, five priests, and six choristers, with three schoolmasters for grammar, singing, and writing.[1]

ROUCLIFFE, BRIAN.

B. E. 1483.

See under the Reigns of Henry VI., Edward IV., Richard III., and Henry VII.

RUSSELL, JOHN, ARCHDEACON OF BERKS; BISHOP OF ROCHESTER, AND LINCOLN.

LORD CHANC. 1483.

See under the Reign of Richard III.

STARKEY, HUMPHREY.

CH. B. E.

See under the Reigns of Richard III. and Henry VII.

WHITINGTON, THOMAS.

B. E. 1483.

See under the Reign of Edward IV.

THOMAS WHITINGTON was probably of the ancient family of that name long seated at Pauntley, in Gloucestershire[2], in which county Sir William Nottingham, the chief baron of the Exchequer in his time, was a resident. Beyond his appointment as second baron on February 3, 1481, 20 Edward IV., the published records are wholly silent about him. He was not, however, removed from his place under Edward V.; but immediately on the accession of Richard III.

[1] Drake's Eborac. 446.; Godwin de Præsul. 299. 698.; Turner's England. Burke's Landed Gentry, 1056.

Brian Roucliffe was constituted second baron in his place, the patent being dated June 26, 1483, the second day of that usurper's reign.[1]

WINCHESTER, ARCHDEACON OF. *See* R. MORTON.

WOLSELEY, RALPH.

B. E. 1483.

See under the Reigns of Edward IV. and Richard III.

WORCESTER, BISHOP OF. *See* R. MORTON.

YORK, ARCHBISHOP OF. *See* T. ROTHERAM.

[1] Dugdale's Chron. Series.

RICHARD III.

Reigned 2 years, 1 month, and 26 days; from June 26, 1483, to August 22, 1485.

SURVEY OF THE REIGN.

It is observed by Barrington, that the reign of Richard III. is a remarkable epoch in the legislative annals of the country, from the statutes having continued from this time to be in the English language. Mr. Reeves repeats the fact[1]; and the "Statutes at Large" appear to confirm the assertion, though it has been contradicted by various authors. The publication of the "Statutes of the Realm" by the authority of parliament has, however, decided the question; for there the statutes are printed in the original French as they are entered on the Rolls, a fac-simile of which is added to the work. In other respects some of these statutes, in the opinion of Mr. Reeves, are of no small importance in juridical history.

Whether from policy or real inclination it appears that King Richard showed some interest in legal proceedings; for we are told that he went himself to the Court of King's Bench to witness the administration of the laws; and we find him personally attending in the Star Chamber, in Michaelmas Term in his second year[2], and propounding three questions of law to the judges, who seem to have had some trouble in answering the royal interrogator.

[1] Hist. of the Law, iv. 130.

[2] Year Book, 2 Rich. III., fo. 10.

Lord Chancellor and Keeper.

There was only one lord chancellor under Richard III., and one keeper of the Seal.

John Russell, Bishop of Lincoln, nominated lord chancellor by Richard, when protector, was of course retained by him when he ascended the throne on June 26, 1483. On October 12 following, the bishop, who was then ill in London, sent the Seal to the king, who kept it till November 26[1]; after which it remained in the bishop's hands till July 29, 1485, when, in pursuance of a mandate from Richard, he delivered it to

Thomas Barowe, the master of the Rolls, who on the 1st of August was constituted keeper of the Great Seal[2], which he retained till the battle of Bosworth put an end to the reign on the 22nd of that month.

Masters of the Rolls.

The two masters of the Rolls in this short reign were both ecclesiastics.

Robert Morton, who held the office under the two previous kings, was continued in it for about three months by Richard III; but was superseded on September 22, 1483, by

Thomas Barowe[3], who occupied the place at the end of the reign, being then also, as we have seen, keeper of the Great Seal.

His patent was for the term of his life; and on the sixth of the following December he had another patent granting to him, also for life, one ton or two pipes of Gascony wine every year; a grant which has been continued to the masters

[1] Rot. Claus. 1 Rich. III., m. [illegible].
[2] Ibid. 3 Rich. III., n. 1. 5.
[3] Rot. Pat. 1 Rich. III., p. 5. n. 32.

of the Rolls up to the present time; though it is to be feared, whether from failure of the vintage, the irregularity of the king's butler, or more probably neglect of the claim, without adding much to the jovial stores of the late possessors of the office.

MASTERS IN CHANCERY.

THE surviving masters in Chancery of the reign of Edward IV. — for we have no means of tracing any during the short continuance of that of Edward V.—who acted in this reign, were —

Robert Morton, M. R.	1	Rich. III.
William Morland	1 to 3	—
William Bolton	1 to 3	—
John Gunthorp	1 to 3	—
John Brown	1 to 3	—
William Kelet	1 to 3	—

The new masters mentioned are—

Thomas Barowe, M. R.	1 to 3	—
Thomas Hutton	1	—
Richard Skipton	1 to 3	—
Robert Blackwall	1 to 3	—

CHIEF JUSTICE OF THE KING'S BENCH.

WILLIAM HUSEE, the chief justice of the King's Bench in the reigns of Edward IV. and Edward V., presided in that court during the whole of Richard's reign.

JUDGES OF THE KING'S BENCH.

THE two puisne judges of this court in the last reign were re-appointed at the commencement of this; viz.—

I. 1483. June 26. Guy Fairfax,
William Jenney.
II. 1484. Oct. 22. John Sulyard, vice W. Jenney.

Chief Justice of the Common Pleas.

Thomas Brian was continued in his office of chief justice of the Common Pleas at the commencement and during the whole of this reign.

Justices of the Common Pleas.

The former judges all received new patents: —

I. 1483. June 26. Richard Choke,
Richard Neele,
John Catesby.
The only change that occurred during the reign was the substitution of
1484. Jan. Roger Townsend, vice R. Choke, deceased.

Chief Baron of the Exchequer.

Sir Humphrey Starkey was of course re-appointed chief baron on the accession of Richard III., who, as protector, had given him the place less than a fortnight before. He was not removed during the continuance of the reign.

Barons of the Exchequer.

The only puisne baron not re-appointed was Thomas Whitington. The others were replaced in their former positions; viz.,—

I. 1483. June 26. Brian Roucliffe, as second baron,
Ralph Wolseley, as fourth baron.
To these was added
Edward Goldsburg, as third baron.
II. 1484. Sept. 24. John Holgrave, fourth baron, vice R. Wolseley.

Attornatus Regis.

Morgan Kydwelly held this place throughout the reign, receiving a new patent at its commencement. He

had liberal grants of land in Dorsetshire from King Richard[1], whom he at last betrayed.

SOLICITATOR REGIS.

THOMAS LYNOM was appointed to this office during pleasure on August 26, 1483. There is another patent to him on October 20, 1484, only differing from the first by making the fee payable to him out of the port of London instead of Bristol. He received the manor of Colmworth, in Devonshire, for his services against the rebels.[2]

KING'S SERJEANTS.

NO new call of serjeants occurred under Richard III.; but new patents were granted to

Thomas Tremayle,
John Vavasour, and } the king's serjeants of the last reign.
Roger Townsend,

We have already shown that the serjeants clearly occupied Scrope's Inn in Holborn at this time.[3]

So few are the cases reported in the Year Book during the two Michaelmas Terms of this reign,—for the other six terms are entirely omitted,—that the list of advocates, including serjeants and apprentices, who argued them is very small. The initials of the courts to which those who afterwards became judges were first appointed are added to their names.

COUNSEL.

Brown,	Jaye,	Townsend, C. P.,
Collow, C. P.,	Keble,	Tracy,
Donington,	Rede, K. B.,	Tremayle, K. B.,
Harman, Clk.,	Sulyard, K. B.,	Vavasour, C. P.

Some cases of the second year may be also found in the fourth century of Jenkins' Reports.

[1] Ninth Report, Pub. Rec., Appx. ii, 42. 79. 86. 135.
[2] Ibid. 58. 84. 100.
[3] See antè, p. 402.

BIOGRAPHICAL NOTICES

OF

THE JUDGES UNDER THE REIGN OF RICHARD III.

BAROWE, THOMAS.

M. R. 1483. KEEPER, 1485.

OF Thomas Barowe little can be told until he was appointed master of the Rolls on September 22, 1483, 1 Richard III.[1], in the place of Robert Morton, who was probably removed in consequence of his brother, the Bishop of Ely, being suspected of implication in the Duke of Buckingham's insurrection. He was rector of Olney, in Buckinghamshire; and three weeks after the accession of Richard had the grant of a prebend in Stephen's chapel in the palace of Westminster.[2] How he had ingratiated himself with that monarch does not appear; but perhaps by some services he had rendered in the Exchequer, of which he probably was a clerk. He was the first master of the Rolls who had a grant of the ton or two pipes of wine, which has been continued ever since, and nominally exists at present. His patent for it is dated December 6, 1483.[3] On August 1, 1485, he was appointed keeper of the Great Seal[4], which had been taken away from Bishop Russell, the lord chancellor; and it was in his custody at the time of Richard's death on the field

[1] Rot. Pat. 1 Rich. III., p. 5. n. 32.
[2] Ibid. p. 1. n. 65.
[3] Ibid. p. 3. n. 107. m. 17.
[4] Rot. Claus. 3 Rich. III., n. 5.

of Bosworth on the 22nd of that month, when it was of course given up to the conqueror.

His possession of the mastership of the Rolls seems to have been considered an intrusion; for his predecessor, Robert Morton, resumed his place without a new patent. Barowe's punishment for his adherence to the fallen party, however, extended no further; but on the contrary he appears very soon to have conciliated the good will of the new king; for on September 21 he obtained not only a general pardon, but a confirmation of his prebend in St. Stephen's chapel, and his appointment as one of the masters in Chancery.[1] In the latter character we find him attending parliament in the accustomed duty of receiving the petitions as late as 12 Henry VII., 1497[2], after which his name no more occurs.

BERKS, ARCHDEACON OF. *See* J. RUSSELL.

BRIAN, THOMAS.

CH. C. P. 1483.

See under the Reigns of Edward IV., Edward V., and Henry VII.

CATESBY, JOHN.

JUST. C. P. 1483.

See under the Reigns of Edward IV., Edward V., and Henry VII.

CHOKE, RICHARD.

JUST. C. P. 1483.

See under the Reigns of Henry VI., Edward IV., and Edward V.

THE Chokes were a Somersetshire family. The judge's father, John Choke, resided at his manor of Long Ashton, in that county. Of the judge himself we know nothing till

[1] Rot. Pat. 1 Hen. VII., p. 1. m. 11. [2] Rot. Parl. vi. 409. 458. 509.

his name appears as an advocate in the courts in 19 Hen. VI., 1440. He was called to the degree of serjeant in July, 1453, in the thirty-first year of that reign. Six months after the accession of Edward IV. he was raised to the bench of the Common Pleas, not however as chief justice, as Dugdale erroneously states, but as "one of the judges" of that court, according to his patent which is dated September 5, 1461.[1] That he was a useful judge, and did not unnecessarily interfere with the violent politics of the time, may be presumed from his successive re-appointments on the temporary restoration of Henry VI. in 1470, on the return of Edward IV. in the following year, and on the accessions of Edward V. and Richard III. in 1483.[2]

His name does not appear in court during the latter reign, nor was any fine levied before him. No doubt he was then suffering from his last illness, for he died in its first year. By the inquisition taken after his death it appears that besides Long Ashton he possessed several other manors and lands in the same county, and also the manor of Randolveston, in Dorsetshire. His wife Margaretta died in the following year.[3] They left several children; and the family, after three generations, was settled at Avington, in Berkshire[4], but we believe is now extinct.

FAIRFAX, GUY.

Just. K. B. 1483.

See under the Reigns of Edward IV., Edward V., and Henry VII.

GOLDSBURG, EDWARD.

B. E. 1483.

See under the Reign of Henry VII.

[1] Rot. Pat. 1 Edw. IV.
[2] Dugdale's Chron. Series.
[3] Cal. Inquis. p. m., iv. 417. 421.
[4] Ashmole's Ant. of Berks., iii. 318.

HOLGRAVE, JOHN.

B. E. 1484.

See under the Reign of Henry VII.

HUSEE, WILLIAM.

CH. K. B. 1483.

See under the Reigns of Edward IV., Edward V., and Henry VII.

JENNEY, WILLIAM.

JUST. K. B. 1483.

See under the Reigns of Edward IV. and Edward V.

THIS name was sometimes spelled Gyney, and more frequently Genney. The father of the judge was John Jenney, of Knodishall, in Suffolk; and there is a letter in the Paston Correspondence, signed John Gyney, addressed to Judge Paston on law affairs, which is supposed to be his.[1] The judge's mother was Maud, daughter and heir of John Bokill, of Friston. One of their sons was, apparently, John Jenney, of Intwood, several times member for Norwich, and deputy-recorder and standing counsel for that city; and another was Thomas, an eminent lawyer of his day.

William Jenney pursued his legal studies at Lincoln's Inn, and was one of the governors of that house from 1446 to 1461.[2] His practice at the bar began at least as early as Michaelmas, 1439, 18 Henry VI., that being the date of his first appearance in the Year Books. The Paston Collection contains many proofs of the enmity which existed between him and the Paston family, and which led to those contests recorded in the Year Books in the next reign.[3]

In May, 1463, he was one of eight who were called upon to take the degree of the coif in the following November.

[1] Paston Letters (1840), i. 5.
[2] Dugdale's Orig. 257.
[3] Paston Letters, i. 140. 196.

In Michaelmas and Hilary Terms in the next year are long arguments relative to the legality of an outlawry awarded against John Paston at the suit of Jenney.[1] Another discussion arose in Trinity, 11 Edward IV., 1471, the principal question being whether Sir John Paston should proceed against the serjeant by bill or by original writ.[2] In these cases he shows himself an acute lawyer, and his practice in the courts was consequently very extensive. Although it is clear that at one time[3] the king was favourable to the Pastons, this did not prevent the advance to which the serjeant's legal attainments evidently entitled him; and he was accordingly constituted a judge of the King's Bench. Dugdale, however, can scarcely be correct in stating his elevation to have taken place in Trinity Term, 17 Edw. IV. The authority he assigns is a case in the Year Book of that term (fo. 4.); but he there seems to have been only one of the counsel; and he evidently is so in numerous cases up to Hilary, 20 Edward IV. Some confusion may possibly arise between his name and that of John Jenney, the deputy-recorder of Norwich; but taking the Year Book as evidence it appears clear that he was not appointed before Easter Term, 21 Edward IV., 1481. He manifestly was raised to the bench after Fairfax, and not, as Dugdale states, before him; because in the Michaelmas Term of that year (fo. 73.) he is called, "le tierce Justice de bank le roy," which he could not have been unless Fairfax was his senior. The additional grant of 110 marks a year in May, 1482, for the more decent maintenance of his position, seems to support this view; and it derives weight from the fact that his name does not appear among the triers of petitions in parliament till the twenty-second year[4], and that it stands after Fairfax's

[1] Year Book, Mic. 4 Edw. IV., fo. 32. 41.
[2] Ibid. 11 Edw. IV., fo. 2.
[3] Paston Letters, i. 182.
[4] Rot. Parl. vi 196.

in the patents of re-appointment at the commencement of the reigns of Edward V. and Richard III.[1]

He sat in the court during the first six months of the latter reign, and died on December 23, 1483.

By his first wife, Elizabeth, daughter of Thomas Cawse Esq., he had four sons and four daughters. His second wife, who was Eleanor, daughter of John Sampson, Esq., and widow of Robert Ingleys, Esq., brought him no issue. His eldest son, Sir Edmund, was the father of Sir Christopher Jenney, whom we shall have to notice as a judge of the Common Pleas in the reign of Henry VIII.[2]

LINCOLN, BISHOP OF. *See* J. RUSSELL.

MORTON, ROBERT, ARCHDEACON OF WINCHESTER, afterwards BISHOP OF WORCESTER.

M. R. 1483.

See under the Reigns of Edward IV., Edward V., and Henry VII.

NEELE, RICHARD.

JUST. C. P. 1483.

See under the Reigns of Henry VI., Edward IV., Edward V., and Henry VII.

ROCHESTER, BISHOP OF. *See* J. RUSSELL.

ROUCLIFFE, BRIAN.

B. E. 1483.

See under the Reigns of Henry VI., Edward IV., Edward V., and Henry VII.

[1] Dugdale's Chron. Series.

[2] Burke's Landed Gentry, 647.

RUSSELL, JOHN, Archdeacon of Berks; Bishop of Rochester, and Lincoln.

Lord Chanc. 1483.

See under the Reign of Edward V.

John Russell was born in the parish of St. Peter's in the suburbs of Winchester. He received his education at Oxford, being admitted a fellow of New College in 1449, and taking the degree of doctor of the canon law. In his after-life, probably about 1484, he was elected chancellor of that university; an office which in his time was converted from an annual to a permanent appointment. He held a prebend in the cathedral of St. Paul's, and was collated to the Archdeaconry of Berks on February 28, 1466.[1]

We do not learn when he first became connected with the court; but it is evident that he had attained considerable eminence there, from his being the only learned ecclesiastic among the four ambassadors who were sent in February, 1470, 9 Edward IV., to invest the Duke of Burgundy with the order of the Garter; when he was entrusted with the duty of making the complimental address on the occasion. The publication of this address in that year is connected with the earliest history of English typography; for although printed at Bruges or Rouen, it is the first specimen of the press of Caxton.[2] In the following February, during the short restoration of Henry VI., he was one of those appointed to

[1] Le Neve, 280. Hasted (Kent, iv. 133.) erroneously calls him Archdeacon of Salisbury, probably misled by these words in his epitaph—

"me Sarisburia donat
Archidiacono."

Berks is in the diocese of Salisbury. He is invariably named Archdeacon of Berks in his ambassadorial appointments. Rymer, xi. 682. 738. 778. 793.

[2] The title is "Propositio Clarissimi Oratoris Magistri Johannis Russell, decretorum doctoris ac tunc Ambassiatoris Christianissimi Regis Edwardi dei gracia Regis Anglie et Francie, ad illustrissimum principem Karolum ducem Burgundie, super susceptione Ordinis Garterii, etc." It consists of five leaves;

treat with the French ambassadors; and again in February, 1472, he was sent by King Edward to the Duke of Burgundy to conclude a treaty of peace with him.[1] In the latter commission he is styled secondary in the office of the Privy Seal, to the keepership of which he probably succeeded when Bishop Rotheram was made lord chancellor in May, 1474; but he is not mentioned with the title till the following year. He retained the office certainly till the end of that reign[2], and probably till he was appointed chancellor under that of Edward V.

In the mean time he was raised to the episcopal bench as Bishop of Rochester on September 20, 1476, and was soon after entrusted with the government of the king's infant son. From Rochester he was translated to Lincoln on September 9, 1480; and was one of the executors of King Edward's will.

In that character, and from his long connection with Edward IV., it is natural to suppose that he would feel an interest in the welfare of the new sovereign, and that he would not advisedly have taken any part in supplanting him. There is nothing to show that, when he was fixed upon to succeed Bishop Rotheram in the chancellorship, the protector Richard, Duke of Gloucester, contemplated his subsequent usurpation. Indeed, the contrary would appear from the many acts done by him in the name of King Edward V. The patent of the bishop's appointment as lord chancellor has not come down to us; but it may be presumed that he received the Great Seal about the middle of May.

and only one copy is said to remain, which is esteemed so valuable as a unique curiosity, that at the Duke of Marlborough's sale it was purchased for one hundred and twenty guineas by the late Earl Spencer, in the catalogue of whose library Dr. Dibdin has, by a misreading of the record, called Dr. Russell Garter King at Arms; that functionary of course having accompanied the embassy. Ædes Althorpiana, vol. ii. 320.

[1] Rymer, xi. 651. 682. 737.

[2] Rot. Parl. vi. 122. 202.

A speech is extant among the Cottonian MSS. (Vitell. E. 10.), which, if not delivered, was prepared for delivery by the bishop to the parliament, in which the young king is spoken of in terms of the highest eulogy. The first document which we find with his name as chancellor attached is dated June 2, 1 Edward V.[1] We have also an instance of his exercising his judicial functions in Chancery even in that short reign; a case heard before him about June 22 being reported in the Year Book, in which it appears that, besides the master of the Rolls, he called to his assistance two justices, Choke and Catesby.[2]

Whether the bishop was satisfied with the representations made in support of Richard's title to the crown, or whether he deemed it expedient at that time to overlook the objections to them, certain it is that he received the Great Seal from King Richard on June 27, the day after he began his reign.[3] That the king considered him a faithful servant appears from a letter dated at Lincoln on October 12, 1483, addressed to the chancellor then ill in London, desiring the Great Seal to be sent to him; in which he states his intentions against the Duke of Buckingham, and his determination to "subdue his malys." While the Seal remained in the king's hands the duke was taken and beheaded; and it was returned to the chancellor on November 26.[4] He opened the parliament in the following January with the customary speech preceded by a text[5], during which, as the king was present, he would of course avoid, whatever his private feelings might be, any but the most complimentary expressions. For two years he preserved his place; but when the Earl of Richmond was hovering about the English coast some suspicion of his loyalty evidently arose; for the king commanded him on

[1] Rymer, xii. 185.
[2] Year Book, Edw. V., fo. 6. *b.*
[3] Rot. Claus. 1 Rich. III., n. 101.
[4] Ibid.; Turner's England, iii. 511.
[5] Rot. Parl. vi. 237.

July 24, 1485, to deliver up the Seal to the master of the Rolls, who received it on the 29th, and was constituted keeper on August 1[1], the very day on which the earl reached Milford Haven. The real traitor in Richard's council was Morgan Kydwelly, the attorney-general, whose communications enabled Richmond to take those steps which led to his success.[2] No doubt however Bishop Russell was, or was considered to be, favourable to Richmond; for not only was he named one of the triers of petitions in that prince's first parliament after he became king, in November, 1485, but in the June and July following he was employed in negotiations with the King of Scots and the Duke of Brittany.[3] He lived in quiet the remainder of his days; and dying in the beginning of January, 1494, 9 Henry VII., at his manor of Nettleham, he was buried in his cathedral.

Sir Thomas More describes him as "a wise man, and a good, and of much experience, and one of the most learned men, undoubtedly, that England had in his time." The only doubt upon his character arises from his continuing in the chancellorship after Richard had shown himself in his true colours. But we must remember that the usurper had so much art and manners so insinuating, that we may readily believe that it would be long before those about him, whom he was desirous to retain, would credit the reports to his prejudice; and we cannot but give some weight to the peril and inutility of resistance in an age when most parties concurred so easily in a transfer of their allegiance.[4]

STARKEY, HUMPHREY.

CH. B. E. 1483.

See under the Reigns of Edward V. and Henry VII.

[1] Rot. Claus. 3 Rich. III., n. 5. [2] Turner's England, iv. 30.
[3] Rot. Parl. vi. 268. 386. 441.; Rymer, xii. 285. 303.
[4] Godwin de Præsul. 299. 536.; Fuller's Worthies, i. 404.; Lingard.

SULYARD, JOHN.

Just. K. B. 1484.

See under the Reign of Henry VII.

TOWNSEND, ROGER.

Just. C. P. 1484.

See under the Reign of Henry VII.

WINCHESTER, Archdeacon of. *See* R. Morton.

WOLSELEY, RALPH.

B. E. 1483.

See under the Reigns of Edward IV. and Edward V.

The family of Wolseley is one of the most ancient in Staffordshire, possessing large estates in that county, the principal of which was called Wlsleia. Ralph Wolseley was the son of Thomas de Wolseley, by Margery, daughter of William Brocton, of Longdon, in the same county. He was brought up in the Exchequer, and received a grant of the office of victualler to the town of Calais. This he surrendered in December, 1466[1]; and on the 29th of September following he was raised to the bench of the Exchequer as a fourth baron in the room of John Ingoldesby. In the same year a grant he had received of all the wood and underwood called Hopwashay, in Staffordshire, was excepted out of the act of resumption then passed.[2] There is a case in Chancery in the Year Book of 9 Edward IV. (fo. 41.), in which it would seem that he obtained an injunction against a person who had sued him upon a bond for 1000*l.* for wool, it appearing that his partner in the transaction had received all the wool and had had time given him. He probably was only a surety for the purchaser.

[1] Rot. Parl. v. 615. [2] Ibid. 602.

Ingoldesby, his predecessor, superseded him as baron on June 14, 1470, 10 Edward IV.; but Wolseley was re-appointed on March 8, 1478, 18 Edward IV., and retained his place on the accessions of Edward V. and Richard III. He died in the early part of the second year of the latter reign; his successor as fourth baron being appointed on September 24, 1484.

He was twice married. By his first wife, who was a daughter of Lord Mountjoy, he had no issue. By his second, Margaret, daughter of Sir Robert Aston, of Heywood, knight, he left a son, John, in whose posterity two baronetcies now flourish: Sir Charles Wolseley, of the ancient seat of Wolseley, originally created in 1628; and the Reverend Sir Richard Wolseley, of Mount Wolseley, in the county of Carlow, created in 1744.[1]

WORCESTER, BISHOP OF. *See* R. MORTON.

[1] Dugdale's Chron. Ser.; Wotton's Baronet. ii. 133.; Burke's Peerage, &c.

CORRIGENDA.

P. 285., note.[8] For "iv. 163.," read "iv. 263."

P. 334., line 1. After "till his death, which occurred," substitute the following passage for the remainder of the sentence:—

"fourteen months afterwards, on March 24, 1439–40. He was buried in the church of St. Mary Redcliffe, Bristol, of which city he had been recorder. On his gravestone is a brass plate representing him in judge's robes, the lining of which, where visible, is distinguished by a different metal."

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Digitized with financial assistance from the
Government of Maharashtra
on 21 October, 2015